

NATIONAL CENTER FOR STATE COURTS

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Mongolia Judicial Reform Program

ANNUAL REPORT 2005

**Cooperative Agreement
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A. PROGRESS SUMMARY

Background and Context to the Fifth Annual Report of the Mongolia Judicial Reform Program: A Review of Accomplishments under the Cooperative Agreement

The end of this reporting year is nearly the end of the 5 year Cooperative Agreement signed in January 2001. It is appropriate to review not just this year, but the overall accomplishments of the Mongolia Judicial Reform Program (JRP) to achieve its goals and the lessons learned along the way. The legal and judicial environment in Mongolia has changed dramatically in the last 5 years and the JRP has been instrumental to those changes. Much has been accomplished by the JRP in pursuit of implementing the comprehensive and holistic Strategic Plan for justice system reform it is based on and the Intermediate Results laid down in the Cooperative Agreement. The emphasis on donor coordination enabled the JRP to develop into a focal point for all judicial sector reform efforts and related rule of law activities which advanced all of the JRP goals and allowed the project to shape and participate in the work of several other donors working in the rule of law area. In addition, the USAID mission in Mongolia as well as the regional office in Manila have been true partner to the JRP, recognizing the need for flexibility, for a holistic approach and the longevity of these efforts to achieve real change. Furthermore, the JRP was not only significantly driven by the Mongolian stakeholders but benefited from remarkable access to them and from their commitment to reform, which is indispensable to any reform effort.

The JRP has been highly successful by the criteria set out in the Cooperative Agreement. The most heartening proof that it is really making a difference has been in the public opinion surveys conducted in 2001, 2003 and 2005. These reveal a significant increase in the public's confidence in the justice system. While many problems remain, the positive changes have been dramatic and are probably self sustaining. Mongolian justice has certainly improved as a result of this USAID program.

Every aid program faces the dilemma that it may encourage recipients to become dependant on aid. This has been a challenge with the JRP. The NLC continues to count on donor support for the majority of its publishing. The courts have the budget to maintain their equipment, but not yet to replace it at the end of its useful life. The JRP must contend with the need to impress upon everyone the importance of sustainability. In the proposed extension, the JRP must meet the challenge of changing mindsets. Work needs to be intensified with the prosecutors, advocates and the Ikh Khural who have been secondary to the courts so far.

The Cooperative Agreement for the JRP was based on 4 Intermediate Results (IR), each with several tasks under them. The IR1 was "Strengthen Court Administration and Case Management." The IR2 was "Establish Accountable Judicial Sector Institutions". The IR3 was "Promote Greater Access to the Justice System". The IR4 was "Foster Independence of the Judiciary". Within these IRs, the key Mongolian stakeholders identified priority areas to focus on which were adjusted over time in communication with them, USAID and other donors based on evolving needs. While the JRP's goals tend to be interwoven and mutually reinforcing, they are discussed below in their original order for ease of comparison with the original goals of this program. Furthermore, it should be stressed that the JRP, even from its earliest planning stages within USAID, was envisioned to be as holistic as possible. While resource limitations, priority impact areas, and other donor activities focused the JRP on judicial sector reform, it was understood that this included, to the extent possible, the prosecution service and other related agencies and organizations.

IR.1. Strengthen Court Administration and Case Management

The first task under this IR was “Strengthen Court Administration and Case Management”. This has truly been accomplished. The JRP developed close working relationships with key judges and court administrators throughout the country. Using all interactions for formal and informal education about case management techniques and building upon a basic automated system supported by the German donor GTZ, a modern automated case management system was developed that lent itself to the automation of all courts. This system allows the use of random assignment of cases (case assignment is within the prerogatives of the Judges Meeting of each court, most courts have not yet adopted random case assignment) which reduced opportunities for “judge shopping” and related bribery. This system significantly streamlined processing of case documents, and resulted in vastly improved case tracking and caseload analysis to allow the Chief Judge and court administrator to better manage the resources of the courts. Court automation allowed the introduction of Public Access Terminals which truly revolutionized court transparency as well as improved the user friendliness of the courts. The information available at these terminals has been the precursor for the creation of a nationwide database of case data and decisions that is planned to be available on the Internet. All court administrators have been trained in a new concept of court administration that promotes not just efficiency but public service, accountability and transparency. Today all courts in Mongolia are automated and a parallel automation process is being developed for the prosecution service.

The second task under this IR was “Establish a Unified Information System”. The benefits of flexibility that the Cooperative Agreement provides when the implementer and the funder work closely with other donors is exemplified in this result. Shortly after the JRP started, the World Bank entered into an agreement with the Mongolian government which included financing several key areas of judicial reform, including the creation of a Unified Information System (UIS).¹ Because the World Bank would bring resources to this effort far exceeding those possible under the JRP, the JRP with the USAID Mission’s concurrence, ceded most work on the UIS, but worked in close cooperation with the World Bank to fill critical gaps and leverage the resources to achieve more than either project could have alone. While the JRP has been tied to the World Bank’s timeline on creation of the UIS, the JRP has played the critical role of developing the software for the court level case information that can be made available on the UIS and then creating a national case database that can be accessed through the UIS. The JRP also plans to connect all courts to the UIS through the Internet so that they can upload case information to the national database and access justice sector information from the UIS. Due to other World Bank project priorities the process has been slow, but the system will be outstanding and eliminate the difficulty in obtaining up to date information on laws, case decisions and individual cases which has always plagued legal professionals, particularly in the remote Aimags of Mongolia.

The third task under this IR was “Improved Standards at the Mongolia Law Schools and Faculties”. The JRP assisted by providing recommendations and comments on draft that would have established standards for law school exams. Due to political opposition these standards were not passed. On the other hand, the JRP’s support for creating and implementing a sustainable qualification exam for lawyers practicing in Mongolia’s courts were successful. Since both, the World Bank and the Hanns-Seidel Foundation, embarked on programs to revise the law school curricula the JRP, with the concurrence of the USAID Mission, decided not to crowd the field, but devote its resources where they could have the maximum impact. Unfortunately, the World Bank’s and the Hanns-Seidel Foundation’s efforts were not well coordinated. The National University working with the Hanns-Seidel Foundation moved to a 5 year undergraduate law curriculum. Three other law schools working with the World Bank

¹ Other tasks included Reform of Law School Curriculum, building a Continuing Legal Education (CLE) facility and creation of Administrative Courts.

devised a new curriculum with improved civil and commercial law courses and materials. The JRP's work on the Lawyer Qualification Exam and the differing pass rates of different law schools is creating new incentives to improve the curriculum of law schools.

The fourth task under this IR was "Establish a Standardized and Continuing Legal Education (CLE) System". From the beginning, the JRP worked with the main German donor engaged in this field for many years, the GTZ, to lay the groundwork for sustainable Aimag level trainings, starting with an introduction to four major new laws that would become effective in 2002 and training all judges and prosecutors and select advocates in these laws within a four month period.² Today, the combined efforts of the JRP and GTZ have created a pool of well qualified trainers throughout Mongolia who continue to advance the judicial training capacities throughout Mongolia with limited resources or outside help. The JRP also helped key stakeholders to design of a National Legal Center (NLC) responsible for providing CLE to all Mongolian legal professionals. The World Bank built a world class facility for the new organization and the JRP complemented this by supporting the Center's strategic planning efforts and creating the management and human resources capacities that meet the Center's goal. The JRP prepared the leadership for their new roles and presented numerous courses for trainers, such as Training-of-Trainers, curriculum development, standard material development, course evaluation and specialty issues courses. The JRP has helped the NLC develop new courses and materials, especially in such areas as professional ethics and trial skills that are new to Mongolia. As a result, the NLC has the training capacity for retraining all legal professionals and doggedly sticks to its strategic plan. The NLC has sought duplicative training for its full time trainers and its commitment to fully integrating trainers trained by donor projects is uncertain. There remain questions about the level of funding by the Mongolian government for the Center and the still unproven ability of the NLC to sustain itself on fee paid courses.

The fifth task under this IR was "Design and Implementation of Legal Qualifying Standards". Here the JRP was pivotal in helping Mongolia achieve a remarkable success. The JRP actively advised in the drafting of the law to create the first lawyer qualification exam. The first exam was given in 2004. The JRP provided financing for grading machines that would provide accurate objective grading to the multiple choice section of the exam. The JRP also provided security arrangements and impartial observers to the administration of the exam. Not surprisingly, many problems were experienced with the first administration of the exam. The JRP assisted those responsible for the implementation of the exam to improve the process through study tours and additional international best practice information. Changes were implemented in the 2005 exam which was a dramatic improvement over the prior year's exam. Attempts at cheating were effectively discouraged or easily recognized and remedied. The impartiality and objectivity of the exam were improved by including essay questions and reducing the role of interviews. While the low passage rate disappointed many, it indicated success in ensuring that only those qualified are allowed to practice law in Mongolia and highlighted the need for law schools to improve their preparation.

The sixth task under this IR was "Improve the Coordination and Clarify Lines of Duties of Justice System Agencies". Some results were almost immediately achieved in this area with the assistance that the JRP provided in drafting a new Law on the Courts and a new Law on the Prosecutors' Office which became effective in 2002. These laws greatly clarified the roles of these institutions and pushed them to update their administrations. A study tour, for the General Council of the Courts (GCC), the governing body of the courts, whose members included the Prosecutor General and the Minister of Justice and Home Affairs brought a new understanding of the need for coordination in the administration of a modern justice system. These efforts are continuing with the adoption of joint regulations among police, prosecutors, courts and the Court

² These were the new Criminal Code, Criminal Procedure Code, Civil Code and Civil Procedure Code.

Decision Enforcement Agency for dealing with arrest and detention. Joint regulations have been drafted with the assistance of the JRP and are now before a working group reporting to the Prime Minister. Improved administration of the Prosecutors' Office is the goal of a study tour planned for the no-cost extension of the program in February 2006. Since clear lines of responsibilities and good coordination in criminal cases starts with police-prosecutor relationships, the JRP is exploring with USAID opportunities to provide assistance that involves police without conflicting with FAA restrictions for USAID that limit law enforcement assistance.

IR.2. Establish Accountable Judicial Sector Institutions

The first task under this IR was "Revised Legal Ethical Standards Created, Adopted and Implemented". The JRP began working immediately with Mongolian judges and a new ethics code for judges was introduced in 2002. Implementation was accomplished by training for all judges and the creation of a new judicial discipline enforcement body (see next task). However, there were several weaknesses in the new code, particularly the lack of restraint on *ex parte* conversations. At the same time, the General Prosecutor's Office adopted a similar code of ethics for prosecutors. JRP sponsored ethics experts assisted in designing and training trainer to conduct ethics courses and work with implementation. Ethics training has been designed to raise awareness of ethical issues and the effect ethics have on the public perception of and support for the judiciary. These efforts paid off in 2005 when the Judicial Disciplinary Committee recommended changes to the Judicial Ethics Code that will ban *ex parte* conversations and propose a greater range of disciplinary actions.

The second task under this IR was "Ethical Standards Enforcement Mechanism Created, Adopted and Implemented". While providing advice on the drafting of a new Law on the Courts, the JRP offered examples of judicial disciplinary systems in other countries. As a result, a new national judicial disciplinary body, comprised of members from legal and non-legal institutions to provide for a more objective review, was created and was equipped by the JRP. The JRP brought ethical experts to advise and train the members of the new body. The new committee has greatly increased the number of cases of discipline investigated and disposed of. The JRP further supported public information dissemination to ensure that court users understand ethics requirements and the complaint process. As a result, judges and the public are now far more aware of ethical issues and the disciplinary mechanism. In addition, the JRP helped design and equip the Special Investigative Unit (SIU) reporting to the Prosecutor General which investigates crimes by all justice sector officials. A JRP expert conducted an assessment of the unit and trained the group of young professionals working for the SIU. The results have been dramatic. More cases were investigated in the first year of the SIU than had been investigated in the prior 2 years by the police. In the past three years 5 judges have been convicted of crimes (out of a total number of judges that increased from 360 to around 400 over this period). Certainly more than enough to put judges on notice that corruption and other criminal activity carries significant risks.

IR.3. Promote Greater Access to the Justice System

The first two tasks under this IR were "Design and Implement Alternative Dispute Resolution Mechanisms" and "Design and Implement a Small Claims Court". One unquestioned underlying assumption in the inclusion of these tasks was the need to create speedier justice through these mechanisms. In fact, JRP's study of the Mongolian courts revealed that almost uniquely, there was no case backlog. In addition, the case for simplified procedures under ADR is weak because, the Civil Procedure Code already provides for an accelerated process – the "simplified procedures" in Chapter VII, Articles 74, 75. Most civil cases handled by rural courts are "small claims" anyway and resources are already stretched thin, so there was no rational for

separate handling. With the concurrence of the USAID Mission, these tasks were dropped so that resources could be concentrated on more pressing and rewarding areas.

The third task under this IR was “Upgrade and Expand Legal Clinics.” With other donors occupying the field with respect to working with law schools, this task was also dropped to focus efforts elsewhere. The Soros Foundation assisted the Law School of the National University of Mongolia to found a Legal Clinic, other schools such as the Shikhikhutag, Biligt College and Police Academy now have Legal Clinics. The Otgontenger Law School is planning on founding a Legal Clinic that will provide legal aid to the public (based on the Montreal University model). The World Bank law school curriculum development component is assisting in developing a curriculum for Legal Clinics but will not assist in funding them. Considering the paucity of legal aid and public defense aid this may be an area where limited assistance could be useful in the future.

The fourth task under this IR was “Define the Adversarial Principle and the Practice of Advocacy.” Mongolian law called for the introduction of the adversarial process in trial, but there was no prior experience in Mongolian practice to support it. From the beginning, the JRP assisted in defining and implementation of the principles of the adversarial process and advocacy. JRP training courses included trial skills that are essential in an adversarial process. Trial skills has proved to be one of the most popular courses at the NLC and is included in the “Baby Judge’s Course”. At the same time the JRP sought to bring about consensus about what would be necessary to graft the best that the adversarial principle had to offer onto the continental legal system that Mongolia had inherited. The integration of the adversarial principle into the investigative stage of criminal proceedings has been furthered by a working group on arrest and detention procedures, designed to ensure adequate assistance of counsel and the right of the advocate and accused to appear in these hearings. These efforts have resulted in an increased understanding of the adversarial principle by all Mongolian legal professionals and improved practice in courts.

The fifth task under this IR was “Administrative Courts”. Earlier, the Hanns-Seidel Foundation had been assisting the Mongolian government in developing an administrative code and World Bank stepped in to build and refurbish facilities for the new administrative courts in UB and Darkhan as well as to provide training for the administrative judges, many of whom were sent to Germany for hands on training. Once again, the JRP integrated its efforts with the World Bank by equipping the Aimag Administrative Courts and providing software. The Administrative Courts have proven to be independent, ruling against the government often enough to win the respect of the citizens.

IR.4. Foster Independence of the Judiciary

There were no specific tasks under this IR because all of the activities of the JRP have been designed to strengthen the independence of the judiciary in one way or another. The new Law on the Courts, drafted with assistance from the JRP was a significant improvement. The replacement of the Minister of Justice and Home Affairs with the Chief Justice of the Supreme Court as Chair of the General Council of Courts was a major step in fostering the institutional independence of the judiciary, though it tended to strengthen the personal authority of the Chief Justice over individual judges and the judiciary was poorly prepared for the administrative and budgetary responsibilities that fell to them. Training and improved technology in the courts has increased the professionalism of judges and encouraged an esprit de corps which fosters the individual independence of judges. Raising ethical standards also increase the esprit de corps, and greater enforcement replaces compromised judges with better ones. The qualification exam is raising the standards for those who will apply to be judges. It should be noted that the government of Mongolia has increased judge’s salaries several times over the last 5 years and

increased the courts budget every single year. Still, both remain inadequate and much remains to be done to strengthen broad based, democratic and independent judicial leadership throughout Mongolia.

Executive Summary

In 2005, the Mongolia Judicial Reform Program (JRP) made significant progress in accomplishing its Priority Tasks outlined in the Cooperative Agreement and its Workplans.

Priority Task 1, Develop and Strengthen Judicial Independence, Court Administration and Case Management at the National and Local Levels:

In 2004, the JRP completed the automation of all courts in Mongolia that greatly increased the efficiency and more importantly the transparency and openness of courts. In 2005, the JRP provided a number of computers and equipment to the new Administrative Courts established in June 2004 that were partially automated by the World Bank Judicial, Legal Reform Project (JLRP).

The JRP assisted the courts in developing a modern court administration and management concept that was endorsed by the GCC in December 2004. The GCC established six support groups to develop and implement the Action Plan for the concept that identified service oriented “customer friendly” administration of courts as the key element. In order to facilitate the implementation of the concept JRP conducted a seminar for GCC members and staff and regional trainings on court administration and management for rural court judges and staff.

A Customer Service Training was held for the Public Access Terminal officers of the courts in Ulaanbaatar. The training furthered their understanding of the importance of customer service in the courts, the technical aspects of the job and the importance of public relations to the independence of the courts.

The JRP assisted the Capital City Court in redesigning courtrooms to a modern standard that ensures proper proceedings sustaining the principles of equality of parties and provides better access for the public to observe the hearings.

Priority Task 2, Building the Capacity of Mongolian Legal Institutions:

Significant strides were made in supporting the creation of the Unified Information System (UIS). The JRP has signed a MoU with the World Bank JLRP and the GCC on setting up a national case information database at the Supreme Court Research Center that governs the responsibilities for design, implementation and linking the database with the UIS and its website.

The JRP conducted a Bar examination study tour for the Mongolian Advocates Association which opened the leadership to greater services for both members and the public based on the example of the Hawaii State Bar Association..

The JRP concluded its contract with Westlaw and issued passwords and training materials to 25 legal professionals in government to allow them conduct legal research.

The JRP completed the Court Observation program. Neomi Oliveras, the consultant who was responsible for assisting with the initial design of the court observation project returned to Mongolia and assisted the Otgontenger University team prepare its final report on the court observation. A copy of the Final Report was sent to the USAID.

Priority Task 3, Develop a Continuing Education System for all Legal Professionals:

The JRP has been providing technical assistance to the National Legal Center (NLC) since its establishment. In 2005, the JRP continued to assist in introducing new creative interactive courses on ethics and effective disciplinary processes, in the development of training manuals, publications, as well as in conducting Training of Trainers courses for the NLC and project

trainers. Additionally the JRP assisted the MAA in conducting training for rural advocates on important skills, ethics and new laws.

Priority Task 4, Develop an Effective Mongolian System to Qualify Legal Professionals:

The JRP conducted a Bar Examination study tour for the members of the Non-Staff Council for the Lawyer Qualification and relevant officers of MoJHA and NLC. The study tour members and the Non-Staff Council produced a report and drafted amendments to the legislation to make the Mongolian Bar Exam more transparent, fair and secure. The second annual lawyer qualification exam was completed and most of the recommended changes that came out of the study tour were incorporated. The JRP observed the administration of the exam and provided detailed recommendations for future exams.

Priority Task 5, Enhancing Ethics in the Legal Profession:

The JRP continues to assist the Special Investigative Unit and the Judicial Disciplinary Committee by providing technical assistance to improve management policies and procedures in addition to necessary equipment and training.

Priority Task 6, Public Education:

The JRP is continuing to produce the second series of the year long “Khuuliin Tsag” (“Legal Hour”) TV program on the Criminal Procedure Code in cooperation with GTZ and the MoJHA and the award winning “Who is guilty?” radio drama series aired every week on Mongol Radio.

The JRP produced posters on the new Domestic Violence Law, on the rights of suspects and accused, on the rights of prisoners, on the activities of the court PATs in cooperation with the respective organizations

The JRP’s efforts at donor coordination continue to stimulate the integration with the activities of GTZ, the largest German aid donor, and close coordination and cooperation with the World Bank JLRP and JICA. This eliminates duplication of efforts of the principle donors involved in legal reform in Mongolia and ensures efficient and effective use of their resources in implementing reforms.

B. TASK-SPECIFIC PROJECT ACTIVITIES

PRIORITY TASK 1: DEVELOP AND STRENGTHEN JUDICIAL INDEPENDENCE, COURT ADMINISTRATION AND CASE MANAGEMENT AT THE NATIONAL AND LOCAL LEVELS

OBJECTIVE: Assist in the development and implementation of a comprehensive modern concept for court administration and management that is supported by a professional cadre of court staff and an independent judiciary.

This Priority Task has always been at the core of the JRP. It is a comprehensive objective that requires a broad range of activities involving several key organizations. Like most other Priority Tasks, it has to be viewed in combination with all activities and results. Past activities involved the creation of a case management system and automation of all courts, creation of a records management system and technical assistance for both individual court management and system wide management improvements. Furthering the steps taken in previous years, the 2005 tasks to achieve the overall goal of making the judicial system more independent, effective, transparent and accountable in 2005 included:

- Development and Implementation of a Comprehensive Concept of Court Administration and Management
- Development of a Caseflow Management Plan
- Customer Service Training
- Redesign of Court Rooms to Ensure Equality of Parties and Transparency
- Increasing Informal Judicial Leadership
- Assisting the GCC Working Group in Developing a Proposal on Re-Structuring the Court System
- Continued Review and Monitoring of the Use of and Need for Court Equipment
- Development of “Judge 2003” and “Prosecutor 2003” Registration Software
- Connecting the Courts to the Unified Information System.

2005 proved to be an eventful year because of appointment of a new Supreme Court Chief Justice who has been a supporter of the JRP for a long time, S. Batdelger. His support for these tasks while he was Chief Judge of the Capital City Court means that increased cooperation in the future is likely.

Task 1: Application of the Concept of Court Administration and Management

Following extensive assistance by the JRP in 2004 to develop the details the GCC endorsed the new Concept for Court Administration and Management in December 2004. This Concept provides a theoretical basis for the variety of improvements in court administration and makes public service a goal of the courts. It is a significant step in Mongolia’s efforts to develop a modern and accountable judicial system. This is the first time that any country outside the US engaged in such a comprehensive review and development process for establishing a modern court management system (and some question that the US ever took such a systematic approach). The concept had been developed with extensive input from the judiciary throughout Mongolia.

A number of activities were designed to develop broad based understanding and support for the implementation of the concept. First, to ensure that all members of the judiciary and court staff are aware of this process, the concept was published in the GCC bulletin, funded by the Hanns-Seidel Foundation, and distributed to every judge in Mongolia. Further, the Court Administration and Management (CAM) working group, assisted by JRP, presented the new management concept successfully at the Annual Meeting of Court Administrators and

Accountants of all courts in January and at the Annual Meeting of Chief Judges in February 2004. The JRP also conducted a workshop for GCC members on management issues to provide understanding about the changes the concept introduces and the need for enhanced methods for administration and better management approaches. (The agenda and JRP presentation are in Attachments A and B). Subsequent to this workshop the JRP and the members of the CAM working group that developed the new concept presented regional trainings on management for rural courts in Orkhon, Khentii, Khuvsgul and Zavkhan Aimags, and finally, in September, in Ulaanbaatar. The purpose of the training was to provide in depth understanding on court management to judges and court employees with the ultimate goal to improve the court efficiency and effectiveness. The participants evaluated the training as unique in content and in design as it involved judges, court administrators and staff together. This joint participation demonstrated the importance of team work in implementing the changes. Not only did the overwhelming majority of participants express interest in receiving more training on caseload and information technology management, these efforts also created a cadre of Mongolia trainers capable of explaining the intricacies and details of case flow and court management. This is a very significant development in a country where only 5 years ago nobody had even heard of modern court management approaches.

To further the acceptance of new management approaches and stimulate innovation, the JRP supported by the GCC, announced a competition among Aimag, Soum, Inter-Soum and District Courts on the application of effective management tools and practices. The competition, in addition to supporting the introduction of modern management processes, is aimed at increasing informal leadership opportunities within the courts. The results will be announced at the end of 2005 and the winning court will receive a small award to purchase additional office equipment that will facilitate implementation of improved court management

Results and future implications: In connection with the endorsement of the new concept on court administration and management the GCC established six support groups that developed the Action Plan for the implementation of the six respective sections of the new concept: Caseload Management, Administrative and Organizational Management, Human Resources, Training and Retraining Management, Judicial Information, Technology and Public Relations Management, Judicial Budget, Finance and Support Services Management and Management on Research of Judicial Practice and Statistics. The JRP can provide technical assistance to these working groups as they develop action plans.

Task 2: Development of the Caseload Management Plan

Since Caseload Management is one of the key areas for improving court operations, special efforts were focused on supporting this working group. The working group on Caseload Management consisting of judges and two researchers from the NLC were charged with developing charts of criminal, civil and administrative caseload of first instance courts within the framework of the existing legislation. The group defined the objective of the given caseload study as identification of time-consuming events and difficulties hindering the smooth and efficient caseload in courts (operation of courts) and of reasonable time standards for case processing. The JRP provided recommendations on the scope and methodology for the assessment and redesign of caseload processes, the group committed to design assessment tools that will be submitted to the JRP Director for review and further recommendations at the end of 2005. In 2006, the JRP will assist to conduct nationwide survey on case flow process to reveal the difficulties and time consuming problems.

Results and future implications: A working group has been created and the importance of caseload research has been acknowledged by the courts, but at this time no concrete results have been achieved.

Task 3: Customer Service Training

Improving the responsiveness of the courts to its users is essential to enhancing access to the courts and to increasing public trust in the courts. The JRP in cooperation with the GCC Office organized trainings for the Public Access Terminal (PAT) officers from the Supreme Court, the Capital City Court, the Capital City Administrative Court, eight District Courts and most Aimag courts³ that covered the new concept of court administration and management, effective communication in courts, interaction with the mass media as well as the results of the 2001 and 2003 public opinion surveys on courts conducted by the JRP. The course aimed to increase involvement and participation of PAT officers in developing appropriate strategies for making the court more open and transparent to the public.

The resulting discussions on how to make the PAT officers' service more efficient and accessible revealed that the public had very little understanding about the court process and viewed the PATs as units providing legal advice. Furthermore, the participants concluded that a detailed job description along with the performance evaluation criteria for PAT officers and uniform procedures on what information should and can be given to the public and the mass media is required. The participants identified high workloads due to secondary functions and the lack of understanding about the PAT's functions and importance among the middle management of courts as a common problem for all courts, and suggested the following measures for improving the PAT operations:

- to have GCC issue a resolution/recommendation on PATs in order to provide uniform understanding to all Chief Judges and Court Administrators
- to determine the type of information to be provided by PATs
- to provide PAT officers with separate telephone lines
- to provide PAT officers with required manuals and information databases
- to conduct training on communication skills and media relations for PAT officers
- to project costs related to PAT officers' activities (posters, information boards) in court budgets
- to publish a directory of all legal institutions nationwide for referral services.

Results and implications: As a result of these courses, a poster providing the public with the most essential information on court proceedings was printed and distributed to all courts. The poster will also help the public fully utilize the services provided by the PATs and PA officers and make the courts more open to the public. The trainings helped build a sense among the PAT officers of the importance of their job to transparency and public support for the courts and the rule of law. Future activities should focus on posting hours of operations for PATs and keeping them and making information available to citizens from the Unified Information System.

Task 4: Redesign of Court Rooms to Ensure Equality of Parties and Transparency

The JRP's educational efforts has led the Capital City Court (CCC) to recognize the importance of court room layout and positioning the parties in the process and to submit a request to redesign courtrooms. This design supports a modern standard that ensures proper proceedings sustaining the principles of equality of parties and better access for the public and media to observe the hearings. In response, the JRP provided the CCC international best practice

³The Aimag courts included in the first round were: Bulgan, Govisumber, Dornod, Darkhan-Uul, Orkhon, Tuv, and Dornogovi; in the second round: Arkhangai, Bayan-Ulgii, Bayankhongor, Govi-Altai, Dundgovi, Zavkhan, Uvurkhangai, Umnugovi, Khovd, Khuvsgul, Khentii, Uvs, Sukhbaatar, Selenge Aimag Courts, Tosontsengel, Kharkhorin, Bor-Undur, Zuunkharaa and Bulgan Inter-Soum

examples for courtroom designing, including the NCSC publication “The Courthouse: A Planning and Design Guide for Court Facilities”.

The JRP surveyed each courtroom and worked with court officials and a US based consultant on the redesign. After plans were approved, the JRP ordered furniture, including custom built elements and microphone system after a competitive bidding process. The CCC refurbished courtrooms and the adjacent hallways in all Ulaanbaatar District Courts and equipped them with seating conforming to the JRP recommendations of making the public areas of the court more customer friendly.

Results and implications: The courtrooms of Ulaanbaatar now have adequate seating for the public and the media. The new courtroom design better symbolizes the innocence of the defendant until proven guilty. The microphone system will accommodate recording devices which will allow for verbatim records of court proceedings in the future. In conjunction with this activity, the JRP obtained the GCC’s agreement to revoke an earlier regulation limiting journalists’ access to courts. Journalists will now have free access to courtrooms. The GCC has requested that the JRP extend this task to countryside courts in coming years. The JRP will monitor access to the courts and make a decision based on the courts commitment to all the policies that underlie the redesign of the courts, including equality of parties and presumption of innocence.

Task 5: Increasing Informal Judicial Leadership

Broad based, democratic leadership that supports an independent judiciary on all court levels is an important goal for any judiciary and not easy to achieve in any country, particularly a country like Mongolia where the judiciary has been run as a hierarchal organization and was a subordinate branch of a one party state for so long. Developing the consciousness necessary for truly independent judicial leadership is one of the most difficult tasks in newly evolving democracies. It requires more than changes in the legal framework to support an independent judiciary or creating independent judicial sector institutions, it requires changing communication and leadership structures and changing how individuals within the judiciary think about their jobs and relate to each other. This task was completely redesigned as it became clear that the existing Mongolian Judges Association was not designed to be independent of the Chief Justice of the Supreme Court. It does not meet except when he calls meetings and the agenda is entirely set by the Chief Justice. Communication among judges is discouraged between meetings.

In lieu of a study tour, or a visit by representatives of a foreign Judges’ Association, the JRP brought an expert with extensive experience with a judges association as well as informal mentoring and networking among judges to Mongolia to identify potential approaches to encourage interactions among judges that promote the development of a democratic professional association and a network to support independent decision making by qualified judges.

Results and implications: A number of recommendations (Attachments D and E) resulted from the expert input, including specific projects and programs to encourage and support the Judicial Youth Council, judicial assistants and other individual judges interested in taking a leadership role to undertake steps in creating organizations or committees with goals and programs for the improvement of the administration of justice. The JRP will follow up on the recommendations and assist the judiciary in creating such organizations or committees. Now that there is a newly-appointed Chief Justice, this may be the best opportunity for change.

Task 6: Assist the Working Group in Developing a Proposal on Re-Structuring the Court System

There is both one appellate court and varying numbers of first instance courts in every Aimag in Mongolia. The Aimags were originally pre-1911 land holding which were modified extensively during the Socialist period and subdivided again after the democratic revolution. They do provide a reasonable geographic distribution of courts and other administrative services across the vast area of Mongolia. However, especially since freedom of movement has been allowed, most Aimags have lost population while Ulaanbaatar and a few other urban centers have gained. The distribution of courts, and therefore human and financial resources does not correspond to the need for judicial services which is primarily derived from population and economic activity. This is especially true of appellate and administrative courts whose small workload outside Ulaanbaatar contrasts with the very heavy workload of all courts in the Capital City. The extremely scarce resources available to the courts make this is an unacceptable situation and the JRP engaged the GCC and other key stakeholders in discussions and activities to identify more efficient resource allocations without comprising access to the courts. The government floated a proposal in 2004 to reduce the number of Aimags to 5. The GCC was given the authority to reorganize the court system, but has awaited a decision by the government on Aimag consolidation. The GCC has formed a Court Restructuring working group which has studied the workload information provided by the JRP, but it has not taken any action at this time.

Results and implications: The JRP has made information available and stands ready to offer assistance, there have been no progress on this task because of the government's failure to decide on a larger reorganization program.

Task 7: Continue Review and Monitoring Court Equipment

The JRP successfully automated all courts in Mongolia and provided significant equipment to other key institutions, such as the prosecutors' offices and the Special Investigative Unit (SIU). The level of equipment use and ability of these institutions to maintain the equipment is an important measure for the JRP's success. The JRP continues to review and monitor the equipment provided to courts and other entities. The JRP found much work was required to maintain accurate inventories, but that courts have been cooperative and now have proper record transfers of equipment and other events which must be reflected in the inventories. The prosecutors' offices and the SIU have from the beginning maintained accurate records.

The GCC had initially responded by hiring a full time IT expert. The GCC computer expert traveled extensively conducting training, solving problems and checking inventories in rural courts. To further the GCC's ability to maintain the equipment, the project supported the GCC in launching the first training for the District Court System Administrators that focused on diagnosing and fixing network problems. The participants practiced formatting, reinstallation of Windows and other applications and repair of system problems. Additional training will be required for rural courts.

"Judge 2005" updated version of court registration software has been installed in all first instance courts and appellate courts. Further modifications have been made to accommodate the Supreme Court. The "Judge 2005" software contains additional revised modules. The database structure is configured in order to transfer the information to the Unified Information System.

Results and implications: The JRP created a new full time position to assist in this task. Inventories were checked against court equipment and where problems existed, the inventory system was explained and inventories corrected. The JRP team is completing the updates of the equipment list of courts. Spot checks by JRP staff and reports from the courts indicate that the

assistance provided by the GCC is sufficient and sustainable, thereby eliminating further need to fund the GCC computer expert. The JRP will continue monitoring the court equipment to ensure its proper use and maintenance on an annual basis. Automation is about to reach new milestones by accommodating transparency of case information on the Internet and the regular availability of information to courts through the Unified Information System.

PRIORITY TASK 2: BUILDING THE CAPACITY OF MONGOLIAN LEGAL INSTITUTIONS

OBJECTIVE: Support key judicial sector institutions in their efforts to develop stronger internal organizational capacities to advance the evolution of an efficient and effective judicial sector that adheres to democratic principals and international standards

With much of the legislative framework for justice sector reform in place the emphasis had shifted to the more difficult and long-term task of strengthening the justice sector institutions to implement and sustain the reform efforts over time. The JRP's key tasks to achieve the overall goal of assisting the Mongolian government in improving the structure and functions of legal institutions in 2005 included:

- Strengthen National Court Administration Capabilities at the General Council of Courts
- Compliance with the Law on the State Budget
- Building the Capacity of the General Prosecutor's Office (GPO)
- Assistance to Improve the Capacity of the Mongolian Advocates Association: Bar Association Management Tour
- Improving the Capacity of Mongolian Legal Institutions to Conduct Legal Research
- Court Observation
- Seminar for Legal Standing Committee of Parliament.

Task 1: Strengthen National Court Administration Capabilities at the General Council of Courts

Internet connection for the courts: The vast distances in Mongolia and scarce resources impede effective information sharing between the GCC and the courts. As a result, courts in the Aimags do not receive GCC decrees and even amendments to the laws in time and the GCC does not receive court reports in a timely manner. Internet access would greatly increase vital information sharing and provide new opportunities for courts, the GCC and other justice sector agencies to interact. As part of the JRP's earlier plan to use video conferencing to enable timely arrest and detention hearings (see *Year 4 Priority Task 1, Task 15: Pilot project to enable judges to conduct arrest and detention hearings and other court business with distant Soums within the mandatory time limits*) the JRP had begun to explore different options for sustainable and affordable Internet access for the courts. The World Bank Unified Information System (UIS) will provide much of the laws and regulations that courts need on-line, but the WB is only providing links to selected Ulaanbaatar institutions. The courts need Internet connections to access this wealth of information. Initially, The JRP explored the VSAT system which the Ministry of Finance is using. USAID's IT expert Darrell Owen expressed concern about the sustainability of the VSAT system after donor assistance ends and suggested to investigate WiFi possibilities. Research is continuing on the most cost effective Internet connection and provider for Internet services to all courts.

At the same time, the use of the Internet among the Ulaanbaatar courts has increased and lead to interesting new applications for enhancing the information exchange. The GCC held its first online discussion with eight courts on court management in January. The Court Administrator of the Capital City Court Dagva talked about the new concept on court administration and

management and answered to questions related to the concept. The second online discussion on problems of the criminal adjudication process for judges of the Songinokhairkhan District Court, Dundgovi Aimag Court, Darkhan-Uul Aimag Court and the Capital City Court with Justices Batsaikhan and Damiransuren from the Supreme Court Criminal Chamber was held in February. The questions were related to the interpretation of specific provisions of the Criminal and Criminal Procedure Codes.

Results and implications: The on-line discussions were an effective demonstration of the Internet as a means of sharing information among courts until the UIS is established and operative. It also provides a model for communicating with the general public in the future. The JRP started to supply Internet connections in December and throughout the no cost extension so that all courts will have access to the UIS in 2006.

When all Aimags and Soums are connected to the system more opportunities will open up and the JRP's plan to use video conferencing for arrest and detention hearings may become feasible. The JRP's prior feasibility study indicated that the cost of video conferencing were unsustainable, but that looks to change with the constantly falling costs on connections.

Unified Information System (UIS): In a classic example of the benefits of donor coordination, the JRP signed a MoU with the World Bank JLRP and the GCC on the creation of the National Case Information Database (NCID) at the Supreme Court Research Center that will consolidate all case information nationwide, including court decisions. The MoU defines the responsibilities for design, implementation and linking the database with the UIS and its website.

The JRP hired an IT person responsible for developing and facilitating the connection of the NCID to the UIS by ensuring proper setup, maintenance and repair procedures for courts and prosecutors' offices' equipment and assisting in design and presentation of relevant training courses on the use of all standard software and hardware. The JRP's tasks were completed on time and data was loaded into the NCID in December 2005. It will be connected to the UIS as soon as it is up and running. Judges voted to include all case information in the database, except for those cases, such as rape and national security which must be confidential by law.

Results and implications: The NCID was designed to accept all case data from all courts, including case decisions, to store it and allow the data to be searched and compiled both to make nationwide searches for individual cases possible, and to allow statistics to be compiled from all the cases. The software was designed to allow each court to upload/update its data at regular intervals, at least weekly. This would greatly increase the accountability of the courts to the GCC and improve management by the GCC. The GCC is planning to set up a unit at the Supreme Court Research Center for maintaining and managing the NCID.

Related to this activity is the continued work for publication and dissemination of the Supreme Court 2004 Annual Report. Previous promises by the Supreme Court to publish the Annual Report were frustrated by inadequate funding. Plans for future Annual Reports are to place them on the UIS to be available on-line.

Task 2: Compliance with the Law on the State Budget

The implementation of the 2004 Public Sector Finance and Management Act has created significant problems for the courts. In order to assist the courts in this process the JRP signed a contract with the Institute of Finance and Economics (IFE) on developing the strategic plan and related budget proposal for 2006 for the Capital City Court (CCC). The Consulting Team and a CCC Planning Committee conducted SWOT analyses to identify the CCC's mission and priority

objectives. Together they have developed the first court budget proposal based on strategic objectives and complying with the existing regulations and legislation.

Further, NCSC staff member Alexey Proskuryakov, an internal expert with relevant experience at the World Bank, visited Mongolia and assessed the options for improving court budgeting and complying with the Law on the State Budget. He met with the ADB implementation consultants at the Ministry of Finance and the Chair of the Legal Standing Committee as well as GCC and court officials responsible for preparing the budget. Plans were made to work with the ADB implementation team, making the courts an additional pilot. However, these plans were terminated when the Ministry of Finance fired the ADB consultants on this project.

Results and implications: The JRP's conclusion is that the law was poorly drafted and not being implemented by any agency, even by pilot Ministries. The JRP will be developing recommendations for amendments to the Law on Public Sector Management and Finance Act and the Law on the State Budget as amendments to legislation seem like the most feasible way to encourage more transparent yet achievable budget reform. The JRP will continue to work with the GCC to develop a more transparent budget for the courts that carries greater authority in the government's budget allocation process.

Task 3: Building the Capacity of the General Prosecutor's Office (GPO)

Following prior efforts to assist the GPO in enhancing its own management structure, the JRP was asked to assist the Office in conducting an assessment, funded by the UNDP, to define ways to enhance its capacity and operations by providing input for development of the assessment methodology.

Dr. Gramckow, JRP Director, met with the assessment team and provided advice on the scope of work and assistance for developing the methodology for conducting the assessment. Discussing the methodology it became clear that the timeline envisioned by the GPO for the assessment was too short and that more staff and consultant effort will be needed to complete the assessment. The assessment team finished its work on June 15th and submitted the final report to the JRP. After reviewing the final report of the assessment, it was concluded that the report provided helpful survey results but that no real management assessment was conducted. Dr. Gramckow returned to Mongolia in September to coordinate a full scale workflow assessment of the entire organization. This work will continue into 2006.

During the reporting period, the JRP assisted the GPO also by funding the computer training for assistant prosecutors in Ulaanbaatar and providing MCS trainers on IT management issues and in changing the GPO's Internet connection from dial-up to ADLS connection upon GPO request. In addition, the JRP provided PCs for the Sukhbaatar, Chingeltei, Bayangol, Khan-Uul and Bayanzurkh District Prosecutor's Offices and is installing the internal networks.

Results and implications: Currently the JRP is collecting the workflow charts from the departments of the GPO, District Offices and the Transportation Office. The workflow assessment in combination with other data will facilitate a more detailed analysis for the development of recommendations to improve the GPO management/administration structures, policies and procedures. The JRP will further assist the GPO create policies and procedures in particular for dealing with victims and witnesses based on the approved recommendations from the April conference on justice for victims of crime.

Task 4: Assistance to Improve the Capacity of the Mongolian Advocates Association: Bar Association Management Tour

The quality of legal services has been a constraint of developing the rule of law in Mongolia. The private bar is an essential element in raising the qualification and ethics of Mongolian lawyers. With this in mind, the JRP arranged for the Hawai'i State Bar Association (HSBA) to host the Board of Directors of the MAA on a study tour. There were two main objectives of the study tour. The first objective was to familiarize the MAA Board with the structure and services of an American bar association so that they could get ideas about how to better serve their membership and the public. In particular, CLE courses for members, legal services to the poor, and providing web based information were emphasized. The second purpose was to give the Board members a vision of the practice of law in an advanced market economy, specifically areas of practice that are new or unknown in Mongolia and the organization and management of modern law firms, small and large.

The participants had many opportunities for learning, including the following activities:

- a workshop on the American system of mediation and arbitration
- the Annual Meeting of the HSBA
- CLE courses on intellectual property and trial advocacy
- Hawai'i Supreme Court Chief Justice Ronald Moon's excellent speech on judicial independence
- visit to the offices of the HSBA. The heads of each department gave detailed explanations of their functions, including dues and other funding sources, membership demographics, member services, the Lawyer Referral Service, CLE curriculum, requirements, marketing and faculty, and website and database management.
- the Hawai'i Board of Examiners overview of the admission process
- visit to the Office of the Prosecutor and the Hawai'i State Public Defender. Both gave detailed explanations of the system for representing indigent criminal defendants as well as an excellent overview of the whole criminal justice system.
- visit to the Office of the Disciplinary Counsel that investigates and prosecutes disciplinary cases against Hawaii lawyers
- visit to the Voluntary Legal Services of Hawaii and Legal Aid. Both gave presentations on the provision of legal services to the poor in non-criminal matters.
- meetings with a renowned solo practitioner and the managing partner of a large firm who took considerable time to explain how their legal practice worked, including services to clients, billing, trust accounts, office automation, and use of paralegals and other staff.
- visits to the Hawaii State Supreme Court, the office of a State Senator and the Office of the Governor.

Results and implications: The tangible results of the study tour include a manual on law office management being produced by the MAA. The MAA is also committed to advancing a system of funding legal services for the poor based in large part on what they learned in Hawaii. The exposure to the business of law was an eye opener for all of the participants. The very fact that clients entrusted large sums of money to lawyers who are required to keep the sums in trust accounts illustrated the very different role of lawyers in American society, a role that the participants thought Mongolian lawyers should aspire to. The greatest results of the study tour may be a gradual change in the practice of law in Mongolia. An emphasis on quality legal services to clients could emerge from the new views of these influential advocates.

Task 5: Improving the Capacity of Mongolian Legal Institutions to Conduct Legal Research

The ability to conduct comprehensive research is key to advance the law in Mongolia and for solid decisions by courts and other justice sector agencies. The JRP contracted with Westlaw and trained 20 legal professionals from the Legal Standing Committee and the Secretariat of the Ikh Khural, Supreme Court, GPO, MoJHA, MAA and the NLC to allow them using this on-line legal research database.

In addition, the JRP and GTZ established an independent Editorial Board for a combined journal and issued two editions of the journal and reached an agreement with the National Legal Center to fund two more editions so that it reaches financial sustainability.

Results and implications: Westlaw remains available to 20 Mongolian government legal researchers. Billing records indicate that some are using it a great deal, but most use it very little. Inadequate English skill, lack of familiarity with search techniques and inadequate Internet budget seem to be among the reasons that some researchers are not using Westlaw. Training on research techniques will be conducted during which those who use it most will discuss their methods with the other users. The Journal published quarterly editions and its circulation has grown to the level that two thirds of its expenses can be met from sales. It is well on the way to sustainability.

Task 6: Court Observation

Early in 2005, TAF worked with the Otgontenger Law School faculty to reflect the JRP's comments on the Court Observation manual. Already the testing of the manual and the checklists (at 10 criminal and 10 civil trials) showed that trials do not start on scheduled time, trials were not "open" as there were difficulties in attending them, judges raised their voice on participants of the trial, etc. In February, the JRP met with the Capital City Court Chief Judge to present the final version of the observation manual, the checklists and the results of the testing.

The implementation of the Court Observation Program commenced with trainings for students-observers explaining the goal of the Program, the observation techniques and providing instructions on completing the checklists. The students were provided with the Court Observation Manuals. The actual observation was conducted between May 5 and June 5 as agreed with the management of the CCC. The students have observed 120 criminal and 100 civil trials and produced reports for submission to the Otgontenger University team. The team analyzed the reports for developing recommendations for the final report. Neomi Oliveras, the consultant who was responsible for assisting with the initial design of the Court Observation Program returned to Mongolia and assisted the Otgontenger University team prepare its final report on the court observation. (Attachment F). A copy of the Final Report was sent to the USAID/Mongolia. A separate report for the judiciary will be submitted in late 2005.

Results and implications: The report of the Court Observation Program is the first impartial, systematically gathered source of information about the courts from outside observers that has ever been available to the management of the court system. Chief Justice Batdelger has requested that the court observation be repeated nationwide to assess then needs for far reaching reforms. The JRP will follow up on the recommendations of the Court Observation Program by assisting the courts in improving their performance through prompt and fair adjudication process and better management practices. This program also gave the observers better understanding and appreciation of the court process and of the public servants that work in the judicial system. Having directly observed the problems and difficulties encountered by both court officers and

the public in the matter of litigation, they have been able to formulate concrete recommendations on how to improve the administration of justice in courts.

Task 7: Seminar for Legal Standing Committee of Parliament

The JRP met with the Secretary General of the Ikh Hural Secretariat to discuss opportunities for cooperation. In particular, the JRP was planning to present a seminar for members of the Legal Standing Committee and other interested parliamentarians to introduce them to the needs of the justice sector particularly the need for budget independence and modifications to laws, the ethics of speaking on the merits of judicial cases while they are under court review and discuss ways to improve communication between the GCC and the Legal Standing Committee. The Secretary General was interested in holding a public hearing on pressing issues of the judiciary.

Results and implications: The JRP will need full support and active participation of the judiciary in exploring and identifying the best mechanism for communication between the GCC and the Legal Standing Committee. The JRP will help the GCC implement any recommendations for improved communication that come out of this, including regular reports, newsletters, etc. The JRP will investigate opportunities to coordinate with IRI and other donors on this task. The original focus on the budget law delayed this activity because of the problems that were discovered in the implementation of that law (see PT 2, Task 2). Realistically, this task will be completed early 2006.

PRIORITY TASK 3: DEVELOP A CONTINUING EDUCATION SYSTEM FOR ALL LEGAL PROFESSIONALS

OBJECTIVE: Continue to advance sustainable CLE through support for the creation of new courses, the training of trainers and the strengthening of the NLC as an institution

Since well educated and trained legal professionals are at the core of well functioning justice sector institutions, the JRP has, from the beginning, focused on creating high quality and sustainable training capacities in Mongolia. Building on earlier work, the JRP focused increasingly on supporting the NLC and coordinating all CLE related activities with this institution.

The JRP's key tasks to achieving this objective in 2005 included:

- Training of Trainers (ToT)
- Trial Skills
- Ethics Training
- Assistance to the NLC
- Assistance to MAA
- Research and Legal Writing Course
- Regional Training.

Task 1: Training of Trainers (ToT)

The JRP's previous ToT courses had resulted in the creation of a cadre of qualified trainers to conduct training in the Aimags and continuously update core courses and develop new priority training areas. In 2004, the Aimag trainers had presented the updated training courses on courtroom communication, criminal law and a special course on contract law. The evaluation summary is in Attachment G.

In 2005, the ToTs were held in stages that closely coordinate with the “Regional Training” in Task 7 below. Both tasks will be described here.

The first stage was a ToT for Ulaanbaatar based trainers in criminal law (including “hooliganism”), an analysis of criminal liability and the domestic violence law substantively as well as the use of Power Point as a teaching tool. The training was conducted by trainers from the Mongolian University of Science and Technology and NLC computer trainers at the NLC computer laboratory. The training material included a CD-ROM that was also distributed as training materials to all trainers who attended the “Regional ToTs.” Next, at the “regional ToTs” in June, the UB based trainers trained trainers from all Aimags. These trainings took place over three weeks with trainers from 7 Aimags coming together each week. The final stage occurred in every Aimag where the trainers put on the courses for judges and prosecutors in their home Aimags. Trainers in 10 Aimags were able to use Power Point equipment for their trainings. Each Aimag training was monitored by the best of the UB based trainers and some JRP staff who created extensive evaluations of all trainings. The JRP staff organized meetings with the legal professionals and scholars who did the monitoring and evaluation of the Aimag trainings and trainers to instruct them on how to use the evaluation forms.

Results and implications: The results of the monitoring effort are being compiled and should be ready in late December 2005. They will provide a definitive evaluation of the extent to which highly qualified training capacity has been created in each Aimag. The best Aimags will be rewarded with power point projectors and in cases where trainers have not performed adequately, they will be replaced.

Task 2: Trial Skills

Following the 2004 five day trial skills course developed in cooperation with the NLC, GCC, GPO and MAA and organized and funded by the JRP, the plan for 2005 had been that the NLC continue this course with limited advice and input from JRP staff and partial funding by JRP. It was hoped that the JRP could provide decreasing technical and financial assistance so that by the end of the year the course could be sustained by the NLC without further support.

However, the NLC requested assistance in organizing the baby judges’ course and a shortened trial skills training as part of the baby judges’ course. The JRP agreed to provide funding if the NLC increased the hours for the trial skills training. The NLC assigned 20 hours for the trial skills course which was designed and conducted by JRP trainers in November.

Results and implications: The inability of the NLC to conduct this training without the full financial support of the JRP was disappointing. However, the creation of two years worth of taped classes will make the course far less expensive to present in the future.

Task 3: Ethics Training

Following a NLC request for further assistance in refining the judicial ethics course material created in 2004 and developing a legal ethics course for all branches of the legal profession, the JRP hired the same international ethics consultant who conducted another 2-day advanced legal ethics training for judges and lawyers. He also worked with the NLC staff on how to create interactive ethics courses and ran a 3-day ToT for NLC and Aimag trainers on how to teach legal ethics. The program was designed using Mongolian scenarios which challenged participants to think of ethical issues and dilemmas in ways that probably had not occurred to them before. The evaluation summary is in Attachment H.

In addition, the ethics consultant conducted a 2-day Advanced Ethics Training for 30 key decision makers in the judiciary, GPO, MAA and law schools. The presentation was built on prior presentations and was designed to raise the awareness and the sophistication in dealing with ethical issues among the legal professions in Mongolia. The evaluation summary is in Attachment I.

The JRP videotaped the trainings and formatted them into audio-visual training material on DVDs for future ToTs.

Results and implications: The courses were very successful and the courses have accomplished its goal of building the capacity of Mongolian trainers to conduct such trainings on their own in the future.

Task 4: Assistance to the NLC

The JRP conducted a range of activities to support the operations of the NLC. They included:

Distance learning: The JRP and the National Center Against Violence completed a set of training CDs on domestic violence and distributed them to all Aimag trainers. The first CD included scenarios (episodes) showing problems from real life and hypothetical cases and schemes from the Mongolian experience and the second CD contains the text of the new law, explanation of legal definitions and legal terms used in the law, relevant regulations.

The CDs can be used for public education as well as for distance education of lawyers. Taking into consideration the fact that soon all Aimag and Soums will be connected to the VSAT system the JRP will conduct a study on the technical feasibility and financial sustainability of distance teaching methods using the VSAT system (see PT 2, Task 1).

Publications: The JRP agreed with the Editor-in-Chief of the NLC newspaper to publish articles and interviews on Mongolia's judicial reform and to organize joint monthly briefings on legal issues for journalists specialized in this area.

The JRP has funded the writing and editing of the first 3 training manuals (Crime: Chapter 2 and 4 of Criminal Code; Interrogation of participants in criminal proceedings: Chapter 19 of Criminal Procedure Code; Characterization of crimes against economy: Chapter 20 of Criminal Code) of the 13 manuals on Criminal and Criminal Procedure Codes. In addition, the JRP assisted the NLC with the publication of a Labor Law Manual.

Nationwide Survey: JRP assisted the NLC Training Center in conducting a nationwide survey on the need for Informal Legal Training in three districts of Ulaanbaatar (Bayangol, Khan-Uul, Bayanzurkh) and in 11 Aimags (Orkhon, Darkhan-Uul, Khuvsgul, Khentii, Uvurkhangai, Dornogovi, Uvs, Selenge, Bulgan, Umnugovi, Bayankhongor). The NLC designed its public education activity based on the results of this survey.

Posters: In 2005 the JRP funded the production of 2 posters with the NLC. The first poster explains the rights of suspects and the accused. The NLC has started to distribute the poster to all police stations and detention cells throughout the country. The second poster explains how labor disputes are resolved in court. It is being distributed to workplaces and unions. More posters were contemplated, but the NLC staff was unable to meet its time table for submission of poster concepts.

Results and implications: The JRP is helping the NLC meet its goal of public education. The relative inexperience of the NLC staff has let them to rely on the JRP's Public Education

specialist. The availability of information, particularly on the rights of suspects and the accused in the locations where they are most in need of this information is important, but in the sense of capacity building, the small number of posters indicates that much work needs to be done on the training and organization of NLC staff.

Task 5: Assistance to MAA

In addition to conducting the MAA study tour (see PT 2), the JRP engaged in the following activities:

In meetings with E. Bolorchuluun, the newly appointed Chief of the Advocates' Education Subcommittee of the NLC and Education Committee of the MAA, the status of the draft action plan of the sub-committee, the policy on advocates' training and ways to attract advocates to trainings were explored. Upon JRP recommendation the MAA Education Committee now has 12 members that will serve as trainers while keeping their original duties to create CLE for advocates and lawyers in Mongolia.

Education program assistance: During the MAA's annual regional training meetings the JRP trainers taught courses on "Effective Communication in Court", "Legal Ethics", "Criminal Law and Criminal Procedure Law", "Administrative Courts and Advocacy" and "Forensic Medical Evidence". The COP monitored the training in Govi-Altai and learned that Western advocates universally felt that they needed more access to training. They wished for a system of communication with other advocates to discuss developments in the West and the East regions.

Law Firm Management: The JRP agreed with Bayar, a prominent Mongolian attorney, to write a course on law firm management, for those who passed the lawyer qualification examination. December is the target date for the course to be conducted.

Results and implications: The JRP developed an educational plan for improving the advocates' training scheme that will provide assistance similar to the assistance to GCC and GPO. The MAA is eager to have its own training programs, which is excellent, but the JRP will try to make sure that the MAA works with the NLC to take advantage of the expertise and training capacity that has been developed there.

Task 6: Research and Legal Writing Course

Following the opinion writing competition co-sponsored by the JRP and GTZ to improve judicial decision writing, the JRP contracted with the GTZ to write a manual that outlines the techniques for legal reasoning and also addresses common errors by using real civil and criminal case decisions, both positive and negative examples.

The manual on decision writing was tested at the GTZ ToT conducted during the summer. As a result, the manual was edited to reflect the suggestions of the judges. The final version was submitted to the publisher in September.

Results and implications: The final version of the manual was submitted to the Judicial Professional Committee for review. After their review and approval, the manual was submitted to the full session of the Supreme Court which has endorsed the manual. The manual is being printed and will be distributed to all courts and law schools. The manual will provide guidance to all judges on how to write opinions. The use of the manual in law schools should allow a new generation of lawyers to understand the reasoning process that goes into a judicial opinion. The manual will provide a standard against which new decisions can be measured by both the courts and the public.

Task 7: Regional Training

See the description of the combined “Task 1: Training of Trainers” and “Task 7: Regional Training”, above.

Additional Activities

In connection with CLE and the *Year 4 [2004] Priority Task 2, Task 1: Creation of a joint manual on arrest and detention procedures* is also continued. The JRP was informed by the MoJHA that the draft amendments to the Criminal Procedure Code will be considered by the Cabinet and submitted to the spring session of the Parliament. Thus pending the approval of the amendments, the working group developed a second set of recommendations (Attachment J) reflecting JRP recommendations and those of the symposium on adversarial principles that relate to arrest and detention procedures and submitted them to the MoJHA drafting group in March 2005. In addition the JRP staff reviewed and studied material that could be useful for the working group in developing the joint manual on arrest and detention procedures.

The JRP had a meeting with the Prosecutor General to request his support in implementing this activity that was postponed due to pending amendments to the Criminal Procedure Code. The Prosecutor General expressed his interest and his full support in the development of a joint regulation to be observed by all relevant institutions and of a manual that will provide detailed instructions for implementing the arrest and detention provisions in compliance with the human rights. Though, he pointed out that there should be a protocol between the relevant institutions to endorse the joint regulation.

In August 2005, a working group was established by a Decree of the Prime Minister to survey and assess the implementation of human rights in conducting inquiry, investigation and arrest and detention procedures by the police, prosecutors, courts and court decision enforcement officers, and provide recommendations for its enhancement. The JRP participates in the work of this group at the invitation of the Deputy Minister of Justice and Home Affairs, its chair. The draft joint regulations will be submitted to this group for inclusions in its official recommendations.

PRIORITY TASK 4: DEVELOP AN EFFECTIVE MONGOLIAN SYSTEM TO QUALIFY LEGAL PROFESSIONALS

OBJECTIVE: Support the development of a transparent system to qualify legal professionals in a manner that provides equal access and gradually increases quality standards

After the market reforms in the 1990s, new private law schools came into existence with little or no regulation. In 2001 and 2002, the Ministry of Education and the MoJHA established some minimal standards and shut down several “diploma mill” law schools. Still, law schools are not truly accredited and law school education is not standardized. There are only minimal and weakly enforced standards for a law degree and no system or requirements for developing practical skills before being allowed to practice law. Under these circumstances, establishing a standard qualifying exam at least for those who practice in the courts is key to introducing a higher uniform standard of quality for the legal profession. From the beginning the JRP has worked to assist in developing a lawyer qualification system. After significant advice and input into a range of draft legislation to establish quality standards and testing schemes, the first Mongolian “bar examination” was conducted in 2004 and the JRP assisted the Non-Staff Council on the design and administration of a lawyers’ qualification exam. Support for the administration of the exam focused particularly on security, confidentiality and transparency.

For this reason, the JRP monitored the examination process. The results indicated a range of significant shortcomings which the JRP focused on correcting before the second administration of the exam conducted in July 2005.

- The JRP's key tasks aimed at improving the qualification of lawyers through a transparent and effective Bar Examination in 2005 included:
- Conducting a Bar Examination Study Tour for the Non-Staff Council for the Lawyers Qualification
- Increasing Integrity and Transparency in Bar Examination.

Task 1: Bar Examination Tour

In February 2005, the JRP sent four key people involved in the administration of the exam on a study tour in the United States: B. Tserendorj, State Secretary of MoJHA, A. Oyunchimeg, President of the Mongolian Notary Chamber, (both members of the Non-Staff Council for the Lawyers Qualification), D. Gerelchuluun, the Senior Specialist in the MoJHA responsible for exam procedures, and T. Mendsaikhan, Director of the NLC Training Center.

The group traveled first to Wisconsin where they learned about the role of the Supreme Court in Bar Admissions and witnessed the swearing in of new attorneys. The group next went to the National Conference of Bar Examiners (NCBE), a national not for profit group that produces the "Multi-state" exam used by almost every US jurisdiction as part of its bar qualification procedures. The NCBE also produces the ethics examination, also universally used in the US and an essay examination which is used by about less than half the jurisdictions in the US. The NCBE staff explained test design science, grading procedures, statistically "normalizing" scores, and other test related subjects. At the offices of the Wisconsin Board of Bar Examiners they learned about the preparation of admissions test. The group also witnessed the orientation of those who took the Wisconsin Bar Examination and the start of the bar examination. The group had the opportunity to interview the exam monitors and observe the security procedures.

In Chicago the group was briefed by the Illinois Board of Bar Examiners and witnessed the beginning of the Illinois Bar Exam. The Chicago exam involved over a thousand people and the security arrangements were interesting for the Mongolians who had about 2,000 applicants in 2004. Finally the group met with the American Bar Association Section on Legal Education and Admission to the Bar. The JRP summary report of the study tour is in Attachment K.

Arriving back to Mongolia the participants developed a study tour report with an Action Plan that outlines the measures to be taken in connection with JRP recommendations to the first Bar Exam administered in 2004 with timelines, persons and/or organizations responsible and recommendations for amendments to all relevant legislation and regulations, and submitted it to the Non-Staff Committee. Copies of the report were also submitted to the Minister of Justice and Home Affairs, the NLC, and the Notary Chamber.

Results and implications: The study tour participants worked on the examination procedures as outlined in the Action Plan. Amendments to the governing legislation were not possible in the spring term of Parliament. However, most of the recommendations were implemented in the July 2005 lawyer qualification examination. Most significantly, the subjective interview was made pro forma and more objective essay questions were included and security measures were increased, see below.

The JRP will further assist the Non-Staff Council in forwarding the process for adoption of proposed amendments and in developing policies and protocols delineating the duties of the agencies involved in the administration of the exam to improve the management process.

Task 2: Transparency in Bar Examination

While the first exam in 2004 was an important step, not surprisingly it also suffered from a range of shortcomings, such as lack of standard procedures to ensure the uniform implementation of the examination process at all sites, errors in the text of the written tests and as the most serious - lowering of the passing score on the written examination from 70 to 50 due to the low passing rate. The purported reasons for lower the passing score were ambiguity in section 9.3 of the Law on the Qualification of Lawyers and because the overwhelming majority of applicants failed, concern that there would not be enough applicants to fill vacant judge and prosecutor positions, especially in the Aimags.

In 2005, the Non Staff-Committee drafted amendments to the Law on Lawyers Qualification aimed at eliminating the problems of the first exam and improving the administration of the exam. The JRP provided additional comments that would ensure fair and transparent procedures. The study tour participants finalized the draft by incorporating the additional recommendations from the JRP. The most important change was to replace the second part of the exam interview with an essay. The amendments to the law (Attachment L) were submitted to the MoJHA for consideration by the Cabinet and Parliament's spring session. However they were not passed, so the July bar examination was conducted under the existing law.

To ensure equal access to the exam the JRP assisted with public awareness commercials regarding the new law and provided technical assistance in the administration of the bar examination. In particular, the JRP provided assistance in monitoring the administration and grading of the exam to ensure equal and fair treatment and transparency of the process as explained more fully in the assessment report (Attachment M).

Results and implications: The second administration of the exam was successful and most of the lessons learned on the Bar Examination Study Tour were implemented. Cheating in the examination process was largely eliminated through use of two versions of the test and other security measures. Suspicious activities in the grading process were detected and promptly corrected. The JRP will assist the Non-Staff Council to develop and implement the policies and protocols, as stated above, for improving the administration of the exam in order to ensure raised standards for the legal profession.

PRIORITY TASK 5: ENHANCING ETHICS IN THE LEGAL PROFESSION

OBJECTIVE: Provide support to increase ethics among the legal professions through education and stronger enforcement mechanism

Integrity is at the core of the justice system. Particularly at times when concerns about corruption are increasing in every sector, it is essential that the legal profession take special steps to demonstrate its commitment to integrity. Accordingly, the JRP's key tasks are aimed at strengthening the ethical standards of legal professionals. In 2005 these included:

- Training and Management Support for the Special Investigative Unit (SIU)
- Assistance to strengthen the Judicial Ethics Code
- Assistance to the Judicial Disciplinary and Professional Committees.

In addition to its planned activities the JRP supported the Ethics Forum organized by the Future Lawyers Ethics Club to support the discussion of ethical issues among the legal profession. The Club was founded on April 9, 2005 by several law students from local law schools and universities. Presentations were made by well-known legal professionals. Judge Oyunbat, JRP

trainer, made a presentation based on Jack Marshall's Ethics course materials. Over 150 law students from the National University, Otgontenger, Ikh Zasag, Khalkh Juram, Sutai, Tushee and Shikhikhutag Law Schools and the Police Academy participated in the forum.

Task 1: Training and Management Support for the Special Investigative Unit (SIU)

As a result of activities supported in 2004, the JRP provided recommendations that prompted the SIU to develop a management improvement plan aimed at improving the Units investigation, research and personnel policies. The JRP reviewed the plan for identifying and prioritizing the areas of assistance and based on the support analysis and communications with USAID and the SIU, the JRP is generally dedicated to assisting the Unit in implementing the plan.

In 2005, the JRP focused in particular on improving the Units policies and procedures. The JRP provided background material from US and other countries, specifically selected protocols for coordination with other investigative units and with the prosecution units that might be useful to the SIU to develop protocols to enhance cooperation with the police and prosecution, and selected portions of the "Manual for Police in New York State", 2005 Edition to help with crime scene investigation. In addition, the JRP provided the SUI with material on public relations and active assistance of the JRP's public relations specialist who arranged interviews and a newspaper article on the SIU to enhance public awareness of the unit and increase reporting to the unit

Results and implications: The number of cases coming to the Unit continues to increase. The practical trainings provided by the JRP anti-corruption expert have contributed to the improvement of the Units investigative techniques and skills. As a result, the Unit reduced the number of cases in which the term of investigation had to be extended and increased the number of cases turned over to the prosecutor's office for prosecution. Five judges have been convicted in the last three years, a remarkable result considering that the total population of judges was between 360 and 400 over that period.

The JRP provided recommendations to the Prosecutor General for strengthening the management capacity and possible re-organization of the SIU. The JRP located an expert to conduct trainings on investigation of corruption cases scheduled for the second half of January 2006 and assist in the development of specific protocols. Further JRP assistance will be determined by the anticorruption law that will probably be adopted during the fall session of the Parliament. In the meantime, the JRP will continue to provide technical assistance to improve the quality of investigations and assist with equipment, specifically tools for site investigation, including measuring equipment, as they still have not received any UNDP assistance because the law on corruption has not been passed.

Task 2: Assistance to strengthen the judicial ethics code

Following activities in 2004, the JRP presented a workshop on effective disciplinary processes for the JDC. The JRP then assisted with drafting amendments to the Judicial Ethics Code that included the restriction of *ex parte* conversations to be submitted for review to the new JDC and the Judicial Board for approval.

Furthermore, the JRP contracted with an ethics expert to comment on the final draft amendments to the Judicial Ethics Code (Attachment N) and make recommendations to improve the JDC procedures. The consultant, Jack Marshall, has previous experience teaching ethics in Mongolia. The JRP is planning a workshop for the new members of the JDC in early December.

Results and implications: Since establishment of the JDC there is an increase in the number of complaints and of judges disciplined. In 2003, the JDC Office received in total 95 complaints, 145 in 2004, and 118 as of October 2005. 12 were judges disciplined in 2004 and 8 judges as of October 2005. This is an indication that the ability of the JDC to fulfill its important function of ensuring judicial integrity has improved and awareness of its operations among the general public is growing.

The JRP will continue to provide advice and training support to the JDC and its Office to get the new amendments adopted and to create an awareness of the new ethics rules among judges through future trainings.

Task 3: Assistance to the Judicial Disciplinary and Professional Committees

In 2005, following its activities in 2003 and 2004, the JRP prepared to bring an expert to review the judicial selection procedures and the performance evaluation of courts and judges. The JRP contracted an expert who was the Staff Attorney at the Alaska Judicial Council where she gathered information to assist members of the judicial council to evaluate the performance of state court judges standing for retention and to evaluate the qualifications of attorneys applying to be judges. In October, the expert reviewed the relevant sections of the new court management concept adopted by the GCC in 2005 and all related legislation. After meeting with the Chair of the Professional Committee (JPC) to discuss JRP assistance in improving the selection procedures for more transparency and fairness the expert attended the JPC meeting to familiarize herself with the procedures for judicial selection and performance evaluation.

Results and implications: The JRP expert will develop recommendations on the criteria and the procedures for both the selection and the evaluation processes.

PRIORITY TASK 6: PUBLIC EDUCATION

OBJECTIVE: Improve public understanding of the role the justice system plays in securing individual rights and increase the public's demand for an effective independent judiciary

Public understanding of the legal system is essential to public support for the rule of law. Only public support can protect independent justice sector institutions from the buffeting of the more political branches of government. Thus, it has been a JRP priority to increase the public's understanding of the reformed justice system and mobilize support for justice sector reform and independence. The JRP's key tasks aimed at improving public understanding and faith in the improvements being made in the justice system in 2005 included:

- Television and Radio Productions
- Posters
- Journalist Education
- Public Affairs Officer Training
- Articles, Newsletters and interviews.

Task 1: Television and Radio Productions

This year the JRP worked with the GTZ on the new topics for the 2005 series of the “Khuuliin Tsag” (“Legal Hour”) TV serial on the Criminal Procedure Code. The scenarios developed by GTZ were reviewed and approved and the filming started in February after the contract with the NLC to use their “Yoson Tug” TV studio was signed. The negotiations for free broadcast time with Mongol TV came to nothing. The JRP and GTZ in consultation with the MoJHA and

USAID decided to broadcast the series on TV 9 as it offered to broadcast “Khuuliin Tsag” for free. The broadcasting of new “Khuuliin Tsag” series started from September twice a week.

The second part of the radio drama series “Who is Guilty?” with the new title “Victims” began broadcast twice weekly beginning July 9. The JRP agreed to extend its contract with PACT/Mongolia on producing series focusing on the Law Against Domestic Violence and the services of the PATs in courts.

Results and implications: The JRP/PACT radio show, “Who is Guilty?” was rated the 20th most popular show on Mongol Radio out of 88 programs in February. The “Khuuliin Tsag” (“Legal Hour”) remains the most watched TV show in its category according to the rating of the Press Center of September and October 2005.

Task 2: Posters

The JRP produced several posters in cooperation with different institutions:

- A poster on the new Domestic Violence Law was produced with the National Center Against Violence (NCAV). The poster is aimed at helping victims of DV. It provides information on how to submit a claim in case of DV, measures that must be taken with regard to the abuser and how to prevent DV. The poster also describes the duties of relevant officials and citizens. 100 copies of the NCAV poster on the domestic violence law were delivered to IRI for the National Woman’s Forum that was held in Ulaanbaatar on April 25-27. The NCAV distributed the first 1000 copies and requested additional posters with a comprehensive distribution plan. The JRP assisted in publishing another 1000 copies.
- A poster on Prisoners Rights was produced with the Prison Fellowship of Mongolia and 500 copies were distributed to all prisons. Informing prisoners of their rights and how they can access the courts under the new Criminal Procedure Code is within the scope of the JRP’s public education activities.
- A poster on the rights of suspects and accused was produced with the NLC. The NLC has started to distribute the poster to all police stations and detention centers throughout the country.
- A poster with information on how to submit a complaint, on the stamp duty, on court instances and proceedings, etc. was produced in cooperation with the GCC based on the results of a survey conducted among court PAT information officers. The GCC has distributed the poster to all courts and administrative units all over the country.
- A poster on Resolution of Labor Dispute in Court. was produced with the NLC, which is being distributed to workplaces and unions (see PT 3, Task 4)..

Results and implications: The posters have proven to be an effective way to communicate the changes in the justice system to the public. The JRP will continue to support public information posters, newspaper articles and other public information material.

Task 3: Journalist Education

In June, the JRP and PACT organized training for journalists on “Media Coverage of Judicial Reform” (Attachment O). Nineteen journalists from all 6 daily newspapers and some weeklies, TV and radio stations attended the training. Supreme Court Justice O. Zandraa, Head of Administrative Division of the Capital City Court N. Dagva, Chairman of the Special Investigative Unit at the General Prosecutor B. Galdaa were among the speakers.

The participants of this training founded a professional club of journalists specialized in legal sector and court reporting. The club aims at improving the knowledge of journalists in legal issues and in achieving more accuracy in reporting.

Results and implications: It was the third training for journalists on court reporting and the judiciary run by the JRP and PACT Mongolia. Unlike the previous two trainings in March 2004 and September 2004, this training featured a succession of guest speakers predominantly from different areas of the judicial sector to discuss a range of legal issues and judicial reform.

As a follow up of this activity the JRP initiated periodic briefings for journalists on its legal and judicial reform. In the no-cost extension, the JRP will equip a press room for the Supreme Court where a new Supreme Court public affairs officer will be available to the media to provide factual information on the justice system. The center will be available to the General Prosecutor's Office and the Mongolian Advocates Association as well.

Related to this activity, at the request of the JRP, the Chair of the GCC agreed to issue a GCC Resolution guaranteeing the rights of the media to attend court proceedings that will replace the outdated Resolution, which gave the Chief Judges the power to bar journalists and impose a number of conditions on journalists in attending court proceedings (see PT1, Task 4).

Task 4: Public Affairs Officer (PAO) Training

Last year, the JRP organized trainings for PAO of justice sector institutions such as GPO, CDEA, MoJHA, SC, GCC, CRC. This year's training on "The Role of Court Public Access Terminal Information Officers in Court Openness" (Attachment P) was organized specifically for the newly appointed court PAT officers. Thirty one officers from all Aimag Courts and Ulaanbaatar District Courts attended the training. Foreign and Mongolian experts spoke about the importance of openness, how to meet the needs of the public and the media. The former Supreme Court Chief Justice Ch. Ganbat spoke with the officers on the central role they play as the first contact the public has with the courts, and how important good public service is to the public's understanding of the courts. The Chief Justice also listened to the participants' problems about operating the PATs and promised to try to remedy them.

Results and implications: This was the first training for court public affairs officers on public relations and effective communication skills. The participants contributed valuable information about how to make the courts more transparent to citizens. This information was used in the design of a poster now displayed in all courts and will be reflected in future public education programs.

Task 5: Articles, Newsletters and Interviews

The JRP continues to distribute the Rule of Law newsletter every month with the new USAID logo. The newsletter is regularly placed on the JRP website both in English and Mongolian languages and visitors can read all newsletters issued starting January 2005 owing to the installation of new software that allows archiving of newsletters on the website. The photo section is continually updated with photos of different JRP activities.

The JRP actively pursues efforts to inform the Mongolian public about its work. The COP's interview "Assistance to the Mongolia's Court Reform will be Continued" was published in the January № 8 /1830/ edition of "The Century News" daily newspaper to promote understanding of the JRP's activities in Mongolia. In addition, the JRP published an interview with State Secretary of the MoJHA B. Tserendorj in "The Daily News" on the JRP funded Bar

Examination study tour to the US that also included information useful to potential participants of the lawyers' qualification examination.

Furthermore, the JRP facilitated the publication of several articles on the role of administrative courts, on issues related to salary, overtime hours and vacation and on labor contract of the Labor Law in the monthly *Rural Business News* magazine of PACT.

Results and implications: More and more institutions are sending information for publication in the newsletter. Ulaanbaatar District Courts started sending their information. These submissions provide an interesting insight into the reform and training activities initiated by the courts on their own efforts and largely without external support.

The MoJHA columns in the monthly *Rural Business News* (RBN) magazine provide information to the remote rural audience. PACT assessed readership as part of the ongoing monitoring. Currently, 28,000 people are estimated to read RBN.

C. DONOR COORDINATION, MONITORING AND EVALUATION, AND PROGRAM STAFFING AND MANAGEMENT

Donor/Stakeholder Coordination

The JRP held donor coordination meetings with all donors and stakeholders in the area of rule of law training. The COP met with representatives of donor projects considering new programs in Mongolia. The JRP Coordinated closely with GTZ on a variety of programs described above. It also coordinated closely with JICA and the World Bank project to plan for production of casebooks and with the World Bank on the Unified Information System.

Program Monitoring and Evaluation

In 2005, the JRP contracted Sant Maral to conduct the 2005 Public Opinion Survey. The World Bank JLRP co-sponsored the survey and integrated their questions. The World Bank contributed 30% of the cost, which is far in excess of the percent of the questions that they submitted, but reflects the fact that they are interested in the data from JRP questions. The results of the survey demonstrate continued improvement in public perception of the courts and their independence.

The survey showed that public opinion regarding the justice system continued to improve. The trends were consistent over the three years and statistically significant. The report (Attachment Q) was finalized and presented to the GCC for comments. The GCC arranged for a newspaper article to highlight the results of the surveys.

Project Staffing

In January, the JRP hired an Assistant for the Court Administration Program Coordinator to step up monitoring and research in this area.

In October, the JRP hired an IT Coordinator to work with the GCC, GPO and the World Bank JLRP on the UIS for the justice sector. In addition, the IT person will be responsible for maintaining the efficient operation of all JRP computer, other technical equipment and software in accordance to the Asset Management Policy Order NCSC/JRP/Mongolia.

Project Facilities

The project moved into offices on the second floor of the NLC building. The JRP staff focusing on Office Administration, Training, Court Administration and Public Education are now in the NLC office. The COP, Translation, Ethics and Institution Building will remain at the MoJHA room 216.

This is a significant cost share item and will give the JRP the opportunity to work more closely with the NLC, a key counterpart.

E. LIST OF ATTACHMENTS

1. Attachment A. GCC Management Training Agenda
2. Attachment B. Managing Change in Mongolia's Courts
3. Attachment C. Informal Leadership Consultant Report & Recommendations
4. Attachment D. Informal Leadership Projects & Programs
5. Attachment E. Court Observation Program - Final Report
6. Attachment F. Evaluation Summary – 2004 Aimags Training
7. Attachment G. Evaluation Summary – Ethics ToT
8. Attachment H. Evaluation Summary – Advanced Ethics Training
9. Attachment I. Proposal for Amendments to the CPC on Arrest & Detention Procedures
10. Attachment J. Bar Exam Study Tour Report Summary
11. Attachment K. Draft Amendments to the Law on Selection of Lawyers
12. Attachment L. Report and Recommendations on 2005 Lawyer Qualification Exam
13. Attachment M. Draft Amendments to the Judicial Ethics Code of Mongolia
14. Attachment N. Journalist Training
15. Attachment O. Court Public Affairs Officers Training
16. Attachment P. 2005 Public Opinion Survey

AGENDA

April 14, 2005 /Thursday/

- | | |
|--------------|---|
| 9.30-9.40 | Welcoming by the Supreme Court Chief Justice, Chairman of the GCC
Ch. Ganbat |
| 9.40-11.00 | Management paradigm of new century
<i>/Director of the Business administration School of the Academy of
Management, Ph.D,Prof. Honorued teacher of Mongolia Ya.Shuuravâ/</i> |
| 11.00-11.15 | Coffee break |
| 11.15-12.10 | Formation of management paradigm in new century
<i>/ Director of the Business administration School of the Academy of
Management, Ph.D,Prof. Honorued teacher of Mongolia Ya.Shuuravâ/</i> |
| 12.10-12.30 | Discussion |
| 12.30 -14.00 | Lunch |
| 14.00-15.15 | Managing Change in Mongolia's Courts
<i>/ Mongolia Judicial Reform Program director, PhD., Heike Gramckow/</i> |
| 15.15-15.30 | Coffee break |
| 15.30 -17.00 | Managing Change in Mongolia's Courts /continued/
<i>/ Mongolia Judicial Reform Program director, PhD., Heike Gramckow /</i> |
| 17.00-17.20 | Discussion |
| 17.20-17.30 | Closing remarks by the Supreme Court Chief Justice, Chairman of the
GCC Ch. Ganbat. |

Managing Change in Mongolia's Courts

**Mongolia Judicial Reform Program
National Center for State Courts
Supported by USAID**

Ulaanbaatar, April 2004

Session Goals:

- **Part 1: Understand what change really means for the court environment and learn about techniques to dealing with change**
- **Part 2: Learn about modern team management to change court operations**

Part 1: Managing Change

Exercise 1

Divide into three teams, identify a recent change in the court/prosecution environment and discuss the process:

- What was changed?
- Who introduced the change and how was it introduced?
- How did people react and why did they react the way they did?
- What was your role in the change process?
- How did you feel about the changes introduced?
- In retrospect, what should have been done differently and why?

What is true organizational change?

- Changes in organizational and operational structures, policies, practices
- Changes in thinking, feelings, attitudes, decisions of managers and staff

Managing Change Involves...

- Managing the dynamics of change (i.e interactions, feelings, emotions), not just the pieces that are changing (i.e. content, process, operations)
- Getting people to feel comfortable with making new decisions, not just follow instructions,
- Overcoming resistance
- Teaching people to think strategically and anticipate problems and opportunities

**All parts of the courts depend
on each other**



Like in a Mobile Managing Change Means...

- **Connecting and balancing all parts**
- **Understanding how ...**
 - **All parts balance off one another**
 - **Changing one part changes the rest**
 - **Sequence and pace of change influence the whole process**

Successful Change has to focus on managing feelings



- Change is uncomfortable
- Change is threatening current thinking
- Change may devalue prior work
- Change is not valued
- Change is not understood

Facts Regarding Change

- **Transitions leave many emotionally confused**
- **Even good changes are not easy**
- **When anxieties about changes rise, motivation declines**

Change Requires Trust and Capacities

- People need predictability—what to expect
- People need to understand why changes are made and what will be changed and how
- People need the capabilities to change
- People need a way to negotiate their new roles and responsibilities

What should managers do?

- Prepare your staff and others
- Provide guidance
- Stimulate communication
- Provide explanations and resources
- Coordinate and align change activities
- Ensure all messages, activities, policies and behaviors match
- Provide opportunities for joint reengineering
- Anticipate, identify and address people & organizational change issues
- Develop the critical mass to think, feel and act differently

Work with the judges and staff

- Understand what they do and don't know
- Understand their feelings and reactions
- Work with them
- Watch their performance
- Give them feedback
- Dialogue with them
- Recognize your own feelings

Successful Change

- Connects with employees through values
- Values, ultimately, are about beliefs and feelings



Dealing with Change

- Analyze what can be controlled and what cannot.
- Recognize that change is situational—the situation changes—such as, a new office, a new supervisor, a new policy, etc.
- Recognize that the situational change is related to emotional change
- Recognize the both types of changes are connected

Recognize the Signs of Troubles of Dealing with Change

People respond with...

- Anger
- Bargaining
- Anxiety
- Sadness
- Disorientation

Part 2: Why Teamwork is Important for Successful Change

- Individuals come together to achieve one purpose
- Teams achieve greater results than any single individual could
- Respecting and appreciating team-member differences and learning from the experience.

Team Benefits

Teams give individual team members:

- knowledge,
- information,
- skills,
- influence,
- and control



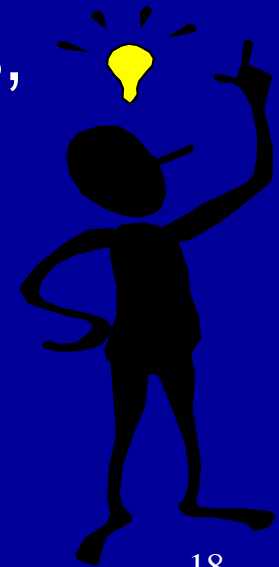
they do not have in traditional hierarchical structures.

A Successful Team Develops

...when team members rethink

- their future potential
- their tasks and responsibilities
- policies and procedures, systems, and interactions

To make future team efforts more effective and enjoyable.



Five Components of Effective Teams:

- Team Goals – shared sense of purpose and direction.
- Team Roles – shared review of the ways in which work is allocated.
- Team Processes and Procedures – shared review of how a team conducts its business.
- Team Relationships – collegial communication and shared responsibilities.
- Team Leadership -- the team accountability.

SYNERGY-- Sense of “Oneness”

The team becomes one
– the group’s
combined work
becomes greater than
the sum of their work

Team membership is
desired – not ordered



Symptoms of a Dysfunctional Task Team

- Territoriality
- Conflict
- Stalled Movement
- Missed Deadlines
- Nonparticipation
- Blame
- Unproductive Meetings
- Ineffective Decision Making

Creating Teams – Excise 2

- Team Building Exercise – Tray Exercise

Create three teams, after the results are revealed discuss:

How would you describe the participation in this process? Did you work as one team, groups, individuals doing their own thing?

Which group got the best “results” and why?

TEAMS NEED TRUST



- Trust = feelings or attitudes
- Trust is the key to many interpersonal and team difficulties.
- Trust depends on an individual's behavior and on how that behavior is perceived.

Exercise 3: What makes a person trustworthy?

Think of someone in your life that you can trust completely. Who is that person and what are the specific *behavioral* characteristics this person demonstrates that cause you to trust him or her.

A person I trust is: _____

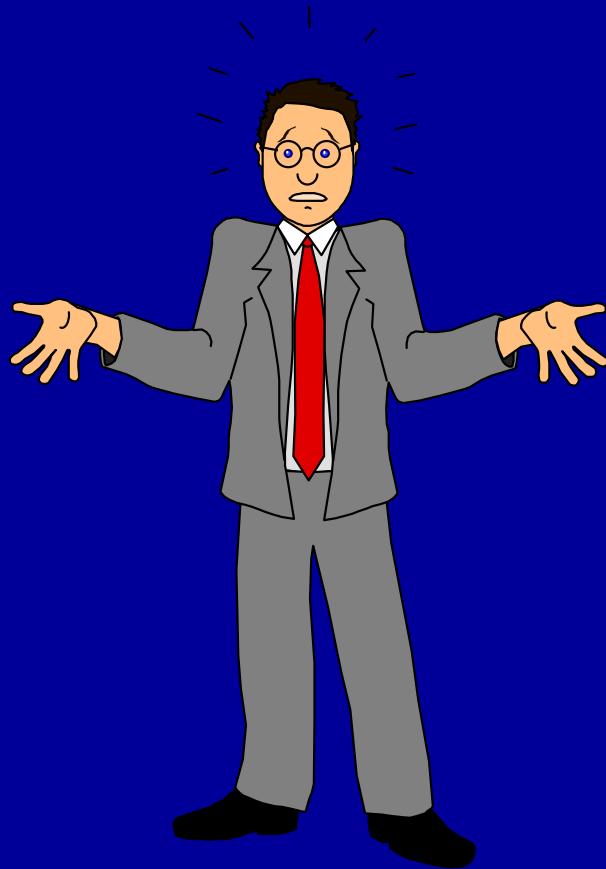
The reasons that I trust him or her are:

TRUST



- Trust is probably the most highly valued team component.

Factors That Foster Mistrust



- Unpredictable behavior
- Broken Commitments
- Unclear Communication
- Lack of Openness

The trust we place in someone comes from three sources:

- Character
- Competence
- The ability to take and offer critique

Definition of Conflict

Conflict develops from incompatible behaviors; one person is interfering, disrupting, or in some way making another's actions less effective.

Exercise 4: Communicating About Conflict

The list of open-ended statements in the hand-out are designed to stimulate group discussion. You are not limited to the statements on this list. The following ground rules apply:

- Go around the table, allowing everyone to respond to each question.**
- You may “pass” on any question you feel uncomfortable with answering.**
- Everybody must respond to the last question**

Conflict Content

- *Facts:* People see the same fact from distinctly different viewpoints.
- *Methods:* People disagree on how to do something.
- *Goals:* The goals toward which people work are different.
- *Values:* People differ in their basic values.

Five Techniques for Dealing with Conflict

1. Control
2. Collaboration
3. Compromise
4. Avoidance
5. Accommodation

When To Control

- Quick, decisive action is needed
- Important issues for which unpopular courses of action need implementing
- Issues vital to the organization occur
- Protection is needed against people who take advantage of noncompetitive behavior.

Possible Negative Consequences of Controlling

- Eventually being surrounded by "yes" people
- Fear of admitting ignorance or uncertainty
- Distorted perceptions
- Damage to relationships
- Reduced Communication
- No commitment from the other person
- Having to keep "selling" or policing the solution

When To Collaborate

- Need to merge insights from people with different perspectives on a problem
- Commitment can be increased by incorporating others' concerns into decision
- Both sets of concerns are too important to be compromised
- Objective is to test one's own assumptions or better understand views of others
- Working through hard feelings that have been interfering with an interpersonal relationship.

Potential Negative Consequences of Collaborating

- Too much time spent on insignificant issues
- Ineffective decisions made from input from people unfamiliar with the situation
- Unfounded assumptions about trust.

When To Compromise

- Individual Goals are moderately important but not worth potential disruption of more assertive intervention
- Two opponents with equal power are strongly committed to mutually exclusive goals
- Temporary settlements are needed on complex issues
- Expedient solutions are necessary under time pressure
- Back-up mode is needed due to collaboration or competition failure.

Potential Negatives of Compromise

- No one fully satisfied
- Short-lived solution
- A cynical climate through perception of a sell out
- Losing sight of the larger issues, principles, long-term objectives, values, and the company welfare by focusing on practicalities.

When To Avoid

- Issue is trivial
- No chance of getting what you want
- Potential damage of confrontation outweighs the benefits of resolution
- People need to cool down, reduce tension, regain composure
- There is a need is to gather more information
- Others can resolve conflict more effectively
- Issue seems symptomatic of another fundamental issue that needs to be resolved

Potential Negative Consequences of Avoiding

- Decisions made by default
- Unresolved issues
- Energy sapped by sitting on issues
- Self-doubt created through lack of esteem
- Creative input and improvement prevented
- Lack of credibility.

When to Accommodate

- One realizes one is wrong
- Issue is more important to the other person
- “Credits” need to be accumulated for issues that are more important
- Continued competition damages the cause
- Preserving harmony and avoiding disruption are especially important
- Subordinates need to develop and learn from mistakes.

Potential Negative Consequences of Accommodating

- Decreased influence, respect or recognition by too much deference
- Laxity in discipline
- Frustration as own needs are not met
- Self-esteem undermined
- Relinquished best solution.

Negative Outcomes of Conflict

- Decreased productivity
- Relevant information not being shared
- Unpleasant emotional experiences
- Stress
- Excessive consumption of time
- Decision-making process disrupted
- Poor work relationships
- Misallocation of resources
- Reduced organizational loyalty

Positive Outcomes of Conflict

- Increased motivation and creativity
- Healthy interactions/involvement stimulated
- Number of identified alternatives increased
- Increased understanding of others
- People forced to clarify ideas
- Feelings aired out
- Opportunity to change bothersome things

Steps for Confronting Conflict

- Explain the situation the way you see it
- Describe how it is affecting performance
- Ask for the other viewpoint to be explained
- Agree on the problem
- Explore and discuss possible solutions
- Agree on what each person will do to solve the problem
- Set a date for follow-up

Excise 5: Conflict Discussion

The statements in the handout are designed to be confrontational and to provide for some discussion about dealing with disagreements. We will divide into three groups and each of you will openly state your response to each question as: “Strongly Agree”, “Agree”, “Undecided”, “Disagree” or “Strongly Disagree”.

This will be followed by a discussion of how your group reacted to and dealt with disagreements

Exercise 6 – The virus (if there is still time)

The assumption is that the training participants represent a group of scientist who have to invent a cure for a deadly virus. The virus has to be replicated in order to develop the cure. To keep the danger of exposure low only one person, the “diagnostician”, can view the virus and only one person, the “messenger” can related the information about the construction of the virus to the other scientist who have to replicate its structure exactly. To even further reduce the danger of exposure, the messenger is allowed to talk only to the “receiving” engineer. Each group has one chief engineer who can override all construction decisions.

MONGOLIAN JUDICIAL REFORM PROGRAM
Increasing Informal Leadership
September 29-October 10, 2005

Consultant Report and Recommendations

I. Tasks:

The **Scope of Work** provided direction to the consultant. See **Attachment A**

In pertinent part, the consultant was instructed to meet with senior and mid-level judges- as well as informal groups of young judicial assistants and staff - to:

- Discuss ways of improving the judicial profession and exchange of communication
- Evaluate the potential of the young judicial employees in developing a professional organization and to promote the independence and effectiveness of the profession
- Enhance the role and participation of the judicial staff in trial proceedings and policymaking
- Encourage greater activity by the judges and court staff

II. Activities:

Prior to arrival, the consultant prepared materials and submitted them for translation. See **Attachment B** and its covering explanation. Some of the materials on ethics and mentoring were modified in UB, after the first three initial meetings that the consultant attended, in order to be more relevant to the Mongolian judges' circumstances. The consultant also brought additional materials which were offered to interested individuals. The JRP staff has agreed to translate the materials [an article on the Inns of Court and forms used by the Judicial Selection Commission, State of Hawaii]

The JRP staff in Mongolia scheduled meetings and training sessions with selected judges and judicial staff. In addition, the consultant met with the Director of the National Legal Center and the President and members of the Mongolian Advocates Association. A scheduled appointment with Chief Judge Sumiya of the Umnugobi Aimag was cancelled and a meeting scheduled with Chief Justice Ganbaat on Monday, October 10, 2005 was cancelled, as he was summoned to meet with the President. The consultant's schedule and reports of the activities may be found at **Attachment C**.

The consultant also had several occasions to meet informally with JRP Chief of Party Robert La Mont and staff members.

III. Observations

The judges and the young judicial assistants are serious-minded and are, in the main, poised to take the judiciary to the next level. However, there is a definite void in leadership.

The consultant's impression is that they are waiting for someone to tell them what to do. Even Judge Tsognyam, at one point in our meeting, asked "what is your proposal"? This is the result of years of a legal culture in which the judges await direction from the top of the hierarchy, i.e. the Chief Justice. While the Chief Justice is indeed the leader of the judiciary, there should be no impediment to a legal profession of lawyers and judges who participate actively in bar and community activities. Now that there is a newly-appointed Chief Justice, this may be the best opportunity for change.

During all my scheduled meetings, this consultant found the individuals to be highly receptive to ideas that were shared with them. There was inadequate time to organize the programs/concepts that they were introduced to; the Mongolian leaders must ultimately decide for themselves which programs and projects are feasible.

Before the lawyers and judges engage in any steps to organize, however, it is important for them to have an understanding of their mission. It is this consultant's opinion that they need to be impressed with their position in government and their importance in providing fair and impartial justice. This consultant's experience – which I shared with them in speaking of outreach programs-, is that an educated public better appreciates the judiciary. The judges were reminded that their continued authority to judge others and to be respected is based on the public's confidence in their fairness and equal treatment of others. Thus, ethical conduct is important and ongoing training is absolutely necessary.

When the consultant spoke to the judges about mentoring, most indicated that they personally benefited from the graces of a mentor. Yet, they did not seem to be receptive to the concept of a mentoring program. Therefore, the consultant concentrated on discussing mentoring from an informal perspective and merged it with a discussion of ethics. Once it became clear to the judges that there were positive aspects to mentoring as a system-wide concept, there appeared to be an appreciation of benefits to the judiciary as a whole.

The consultant informed them that the misconduct of one judge has an effect of the public's perception of the judiciary as a whole. Thus, it is in the interest of the judges to work collegially and to present as professional an appearance to the public as possible. In this vein, the consultant spoke about meetings where they would share potential ethical situations and receive advice from their colleagues. By thus avoiding unethical conduct and any resulting discipline, all judges benefit. In fact, Chief Judge Urantsetseg of the Songinohairhan District Court indicated that the judges of her court are well aware of statistics that report on the performance of each of the courts. It is important for the judges to understand that they should encourage the best of conduct in each other.

The various individuals were informed about judicial conduct commission in the United States that issue advisory opinions. They were advised that by having this mechanism in place, judges would have the benefit of collegial discussions at judges' meetings, the advice of a mentor or friendly colleague, as well as this more formal advisory process to guide them. Written advisory opinions could be disseminated to all the judges and the entire judiciary benefits from the information. It is this consultant's opinion that if they are introduced to concepts, they themselves can decide whether or not they wish to make rule or law changes.

At every opportunity, this consultant brought up programs that can be implemented with little effort and at little cost, except for the investment of enthusiasm, energy and long-term commitment. They have been summarized in the reports, as well as more specifically mentioned below as recommendations.

This consultant was highly impressed with the caliber of young judicial assistants. They are ready, willing and able to mobilize and can be the core of a vital network. Some organizations naturally evolve over time by the mere fact that individuals seek to associate with their peers in order to be empowered to achieve mutually beneficial goals. This cadre can be the young lawyers section of a unified bar association or a stand-alone organization. A concern of this consultant is the risk of elitism that can result if their organization is limited to judicial assistants. They should naturally create a working organization of judicial assistants, but they could be much more effective if they align themselves with non-judicial colleagues as well.

Recommendations

- § Promote the judiciary website as the central clearinghouse, thus insuring that written decisions relating to ethical violations and the resulting discipline are disseminated to all judges
- § Establish community education programs for improved transparency of the court process
- § Support efforts and/or establish a judicial administration committee of judges and lawyers - either independently of a bar association or as a committee of a bar association - to communicate concerns and problems to the Chief Justice.
- § Encourage judges to develop their own judicial evaluation and performance program - to monitor courtroom conduct for the specific purpose of improving courtroom decorum and behavior
- § Involve the judicial assistants as “advisors” or “consultants” in JRP-sponsored activities aimed at creating joint programs with judges, law students, lawyers and the community
- § Support the National Legal Center in on-going judicial ethics training
- § Set up a meeting with the new Chief Justice and suggest that he establish committees within the judiciary - including judicial assistants- and assign them clearly defined tasks, such as a court rules committee or mentoring committee or legislative committee, so that they can work together on recommendations to improve the administration of justice.
- § Establish a judicial salary commission of lawyers and private citizens to advocate on behalf of the judiciary for appropriate salaries; adequate compensation is a necessary to an independent judiciary

Please refer to **Attachment E** which sets forth particulars for implementation of these recommendations. They are divided into five parts, relative to the responsible party/parties. It is assumed that an individual or association can be groomed or be available to undertake the responsibility of organization and implementation of the recommended programs or projects.

COURT PROJECTS

1. Community education

- a. Court visitation with judges and court personnel explaining court procedures and operation
- b. Speakers Bureau assigning judges to go into the community to speak with school students and members of the community
- c. Programs to educate the teachers so that they can educate their students about the court process
- d. Adopt a school program where a lawyer and/or judge does casual visits to the school and the students begin to recognize them. It is good for role modeling
- e. Career day programs so that a lawyer and/or judge can talk about employment within the court as potential opportunities

The advantage of these programs is for transparency of the court, as well as to educate the public to the work required of judges and the ethical conduct that is expected.

2. Court training

- a. Continued education through mentoring colleagues, as well as discussion of ethical issues at judicial meetings among the various courts
- b. Training of court staff regarding the ethical code. Awareness by court staff is critical to support the judges, as well as to enhance the appearance of impartiality of the court.
- c. Families of judges should be “trained” about the ethical requirements of the court. In this manner they can understand why judges cannot discuss cases and they can help buffer the judge from unwanted communication and attempts to influence the judge.
- d. An externship program that allows university students to work within the system

These efforts are directed at enhancing an environment that involves all players throughout the entirety of their court employment and judicial career

3. Judicial evaluation

Panels appointed by the Chief Justice, consisting of retired lawyers and judges evaluate the courtroom demeanor of the judges and assist them in improving their behavior in the court.

Oftentimes, complaints about the judges focus on the manner in which they treat the parties or their appearance in court. The judges must be committed to self-improvement and it behooves them to fully participate in efforts to present a positive image of the court to the public.

If the judges develop their own programs, they will maintain control and will be perceived and credited for taking steps without intervention from outsiders

4. Ethics advisories

- a. The judges should establish a process for themselves to be made aware of problems that arise in Mongolia as well as in other jurisdictions so that they can modify their conduct in an appropriate manner.
- b. Further, it would be helpful if the judges were able to create some process where a committee, individual, or designated organization can respond to inquiries regarding potential ethical issues.

There must be a component developed for the dissemination of information. Perhaps each court can create a newsletter or information sheet that can be distributed on a daily or weekly basis about cases or ethical issues.

When judges take measures to conduct themselves in an ethical manner, the number of disciplinary complaints should be reduced and will result in a better image of the judiciary.

5. Reporting of disciplinary actions

There should be reporting of actions taken by the judiciary to insure the public that the judiciary is self-monitoring their conduct and taking steps to improve their performance.

6. Reduction of caseload

- a. Alternative dispute resolution methods. Settlement of cases through court mandate
- b. Establishment of court programs for volunteerism, thus relieving court staff of tasks that are easily delegable. The staff can focus more time and energy on matters that require attention; this can also relieve the stress of a demanding caseload.

The volunteers are monitored with respect to the hours. Each year a ceremony is held and the chief judge or even the Chief Justice of the Supreme Court presents the volunteer with a certificate of appreciation.

JUDICIAL ASSISTANT PROJECTS

1. Handbook for staff

The handbook would concentrate on appropriate conduct for court employees, using the Judges Ethical Code as their focal point. By emulating appropriate judicial conduct the court staff will enhance the image of the judiciary. At the same time, they will begin to conduct themselves in a professional manner in preparation for work as judges

2. Community education projects

These projects would be undertaken as a joint venture with the judges and members of the bar

3. Judicial experience opportunities

- a. Some judicial assistants can be appointed by the Chief Justice to committees. By participating fully in judicial committees, they gain experience and can also provide some insight to innovative programs
- b. Perhaps by law change or by court rule, judicial assistants can be appointed as *per diem judges* to handle preliminary court matters or some simple trials. This would relieve the trial judges and will provide work experience for the young assistants

ATTORNEY PROGRAMS

1. Bar projects

- a. Education programs for new members
- b. Seminars and symposiums during bar conventions and throughout the year on specific topics or issues

- c. Counseling assistance for attorneys who have drug and/or alcohol problems, including judges

2. Bar committees

A bar organization can establish subcommittees through which members can build social and professional relationships with each other, thereby enhancing the quality of the profession. Out of a practice that develops with the cooperation of the judiciary, judges will be available to provide input for their improvement. When attorneys perform better in the courtroom, the image of the judiciary is enhanced as well.

One extremely important committee that can be established is a Judicial Administration Committee which can discuss problems with the courts, especially procedural rules or practices that create difficulty for the attorneys. Members of this committee work with the Chief Justice and provide helpful information regarding issues of management that the Chief Justice should be aware of and which should be addressed.

COOPERATIVE PROGRAMS

1. **Inns of Court.** This program is patterned after the British system of training young lawyers. There are three (3) types of participants: respected and experienced judges, law professors and attorneys in the community who are called **benchers**, lawyers who have practiced for about 3-5 years who are called **barristers**, and **students** who wish to become lawyers. The benchers are the core of the organization, while the barristers and students participate for just one or two years. Each year more and more individuals are introduced to this program; a network is built, with stability provided by the benchers.

Meetings are held after a brief social session with meals or refreshments provided out of dues paid. Subjects include ethics, trial skills and lectures. Some judges invite groups to meet at the courthouse.

With a good core of benchers, this can be a very prestigious program for young lawyers and students to be affiliated with.

2. **People's Law.** This program is community based and involves judges and lawyers who volunteer their time over an 8 week period, once a week to hold class sessions for general members of the public. The judges talk about the court and their functions and the lawyers speak about selected topics. At the conclusion of the program, each participant is given a certificate.

CHIEF JUSTICE INVOLVEMENT

1. The Chief Justice can establish court committees which can recommend rule or legal changes. It is always a good idea to have members of the bar serve as committee members.
2. The Chief Justice must take every opportunity to be a leader in the creation of innovative programs and must be willing to be involved in various start-up programs
3. The Chief Justice and other Chief Judges must be willing to allow their judges to be involved in all activities which are dedicated to the enhancement of the image of the court and the improvement of the quality of justice
4. The Chief Justice must continue to inspire the judges as to the importance of his and each judge's role in the administration of justice
5. The Chief Justice must be a leader and mentor, a role model and exemplary representative of the judiciary.

OTGONTENGER UNIVERSITY'S
FINAL REPORT
on the
COURT OBSERVATION PROGRAM

Submitted to the
JUDICIAL REFORM PROGRAM
of the NATIONAL CENTER FOR STATE COURTS
in Ulaanbaatar, Mongolia
SEPTEMBER 2005

FINAL REPORT
ON COURT OBSERVATION PROGRAM
by Otgontenger University

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THE FINAL REPORT

by Otgontenger University

on the COURT OBSERVATION PROGRAM

I. BACKGROUND

A. THE FIRST PHASE OF COP

From September to December 2004, the Judicial Reform Program of USAID's Judicial Reform Program (JRP) engaged Otgontenger University (OU) in Ulaanbaatar, Mongolia to undertake the first phase of the **Court Observation Program (COP)**. The first phase consisted mainly of producing three major documents, to wit:

- (a) separate checklists for monitoring civil and criminal proceedings in the 8 district courts of Ulaanbaatar,
- (b) a Training Manual for student court observers, and
- (c) an Implementation Plan of the COP for the year 2005. These three outputs were accomplished with the assistance of an Asian expert in court monitoring, namely, Mrs. Neomi Olivares of the Philippines, who came to Ulaanbaatar in November of 2004.

B. THE IMPLEMENTATION PLAN IN 2005

Following is the Implementation Plan that was approved in December 2004 by The Asia Foundation and JRP:

- | | |
|---------------------------------------|--|
| <i>January</i> | <ol style="list-style-type: none">1. Meeting of Otgontenger University officials with other university officials in Ulaanbaatar for the purpose of engaging their students in the Court Observation Program2. Finalization and photocopying of checklists |
| <i>February
& early March</i> | <ol style="list-style-type: none">1. Designation of Project Officers2. Hiring and training of 20 court observers |
| <i>March</i> | <ol style="list-style-type: none">1. Submission of 1st Progress Report to The Asia Foundation by Otgontenger University |
| <i>April – May</i> | <p><u>6 weeks of court observation or a total of 12 visits per court</u></p> <ol style="list-style-type: none">1. Mondays through Thursdays: 1 student per court in the morning and afternoon2. Fridays<ol style="list-style-type: none">(a) Supervisor or assigned observer secures court calendar for the following week.(b) Supervisors give weekly assignments to observers. |

- (c) Court observers submit accomplished checklists and narrative reports to their supervisors.

June **Submission of 2nd Progress Report to The Asia Foundation by OU.**

June to August **Collation, analysis and evaluation of observers' reports**

1. **Summary of individual observers 12 reports per court into composite Reports**
2. **Analysis and evaluation of methodology and results**
3. **Inclusion of recommendations**
4. **Preparation of financial report**
5. **Consultation with The Asia Foundation regarding format of Final Report**
6. **Drafting of the Final Report**

August – Sept. 1. **Finalization of Final Report**
2. **Translation of Final Report into English**
3. **Submission of 3rd Progress Report**

October 1. **Submission of Final Report to The Asia Foundation and USAID**
2. **Meeting with the Chief Justice of the City and other officials of the Mongolian judiciary regarding results of Court Observation Program.**

C. THE SECOND PHASE OF COP

On April 5, 2005, the JRP formalized its agreement with OU to carry out the second phase of the COP, which consisted of implementing the tasks described in the above-mentioned Implementation Plan begun in January 2005.

The specific purpose of the second agreement was for OU to “observe and assess certain ‘outputs’ from the court consumer’s point of view and tabulate the results of repeated visits and observations in an objective and professional manner.”

D. THE FINAL REPORT

This Final Report, in two versions, English and Mongolian, was prepared between August 23 and September 2005 by a joint team composed of:

1. COP Project Director J. Naranchimeg;
2. OU professor of law Ts. Darijav;
3. OU professor of law Narantsatsral;
4. Asian court monitoring expert Neomi Olivares of the Philippines (separately engaged by JRP to assist OU in the preparation of the Report);
5. OU English teacher Ganbaatar (acting as translator for OU);
6. Ms. Itgel Lonjid, acting as translator for Mrs. Olivares (Incidentally, she was also the program officer coordinating the first phase of the COP as then employee of The Asia Foundation).

Tasks Performed:

1. Profs. Darijav and Narantsatsral supplied the details as well as summary of the quantitative and qualitative data obtained from the court observation, including the general observations and recommendations in this Final Report.

2. Mrs. Olivares advised the OU team on the outline, contents, sequence and format of the OU's Final Report. She put together the data provided by the two professors, (as translated by either Ganbaatar or Itgel), and sorted, edited and classified these into a coherent, clear and logical structure. These data plus other information obtained from her interview of the members of the COP Working Team (including the six student leaders of the court observation groups) formed the basis of the pro-forma Final Report she prepared in English. This pro-forma report was translated into Mongolian by Miss Lonjid for the Otgontenger Working team and provided to OU to correct, supplement and follow in terms of both basic content and format.
3. Mr. Ganbaatar basically translated the two professors' work from Mongolian to English and acted as interpreter during the discussions held at OU.
4. Ms. Lonjid translated Mrs. Olivares' oral and written advice from English to Mongolian and acted as alternate translator during discussions held at OU.
5. Project Director Naranchimeg sat in almost all the discussions at OU and gave final approval of all matters discussed, whether for inclusion in, or exclusion from, the Final Report.

II. GROUND WORK

A. SECURING PERMISSION TO CONDUCT THE COP

Following the approved Implementation Plan, the first step in executing this Plan was to secure the permission of the highest official of Ulaanbaatar's city courts to conduct the COP in the district courts.

In late December of 2004, a meeting was held with all the judges of the said district courts to inform them about the COP. Making the presentation was Project Director Naranchimeg with Mr. Robert La Mont (Chief of Party of the Mongolian Judicial Reform Program) and Mr. Layton Croft (then the Representative of The Asia Foundation in Mongolia, the entity charged with administering the first phase of the COP in 2004) in attendance.

On January 5, 2005 another meeting was held with the Chief of the Capital City Court, Chief Judge Batdelger at his office at the Capital City Court to discuss other matters connected with the COP. Also present at the meeting were Messrs. La Mont and Croft. In the last half of 2004, we have discussed with Chief Judge Batdelger on this issue. Project directors Messrs. La Mont and Croft, and Naranchimeg made reports on project objectives, importance and exchanged with opinions and proposals of the participants at the Meeting with Capital city and district court judges.

At this meeting Chief Judge Batdelger approved the COP in principle. Subsequently, Chief Judge Batdelger telephoned Project Director Naranchimeg to say that that the district judges had also agreed to the observation. He mentioned that he did not tell the judges of the dates of the court visits.

Later on, the head of the Administrative Division of the Capital City Court, Mr. N. Dagva, contacted Director Naranchimeg, to inform her how many students per district court would be allowed to observe therein. (The specified number of students per district court is listed on page 7 of this Report.)

B. LIMITING THE STUDENT OBSERVERS

The Implementation Plan called for an initial meeting with officials of other universities in Ulaanbaatar for the purpose of involving their students in the COP as court observers. However, this part of the Plan was changed by Project Director Naranchimeg. Messrs. La Mont and Croft were persuaded to agree with Director Naranchimeg's view that confining the task of court observation to students from only one university, that is, from OU, made for easier and quicker management of the program rather than having students from several universities.

C. FORMING THE COP WORKING TEAM

The principal figures in the COP Working Team were the same persons involved in the first phase of the Program, namely:

1. The Officers

(a) The Project Director: J. Naranchimeg *(hired January 2005)*

Qualifications:

- Head, Civil Law Department, National University of Mongolia, 1990-1995.
- OU Head of Law Department, 1995-1998
- Rector of OU, 1998 to mid-2005
- OU Deputy Director, June 2005 to the present
- One of 9 Constitutional Court Judges in Mongolia

Duties and responsibilities:

- Oversee the conduct of the entire COP, including the training of court observers, the preparation of reports and disbursement of COP funds provided by JRP.
- Personally contact the Chief Judge and other court officials.
- Coordinate with JRP officials.
- Control and oversee the activities of the Project Coordinator and two Supervisors.
- Assume primary responsibility for the COP and the funds.

(b) Project Coordinator: Atlantsetseg *(hired January 2005)*

Qualifications:

- Current Head of Law Department, OU
- Professor, Law College, 18 years

Duties and Responsibilities:

- Organize training of student observers.
- Coordinate daily activities of student observers.
- Directly disburse the COP funds.
- Report to Project Director Naranchimeg.

(c) Criminal Procedure Supervisor: Ts. Darijav *(hired January 2005)*

Qualifications:

- OU Professor of criminal law, 8 years
- Prosecutor, Khuvsgul Aimag, 4 years
- Company lawyer, 6 years

Duties and responsibilities:

- Prepare and conduct the qualifying exams for court observers in coordination with Profs. Atlantsetseg and Narantsatsral.
- Train student observers regarding the aspects of criminal procedure.
- Coordinate with Civil Procedure Supervisor Narantsatsral regarding the hiring and training of students, the analysis and evaluation of reports, etc.
- Collate the observers' accomplished checklists and reports on criminal sessions.
- Analyze and evaluate data in the checklists and reports on criminal sessions.
- Make pertinent recommendations regarding the aspects of criminal law and procedure.
- Report to Project Director Naranchimeg and to Project Coordinator Atlantsetseg.
- Provide the necessary data for the Final Report.

(d) Civil Procedure Supervisor: Narantsatsral *(hired January 2005)*

Qualifications:

- OU Professor of civil and criminal procedure law, 8 years
- Former judge, Govi-Attai Aimag Court, 6 years
- Advocate, Govi-Attai, 2 years

Duties and responsibilities:

- Prepare and conduct the qualifying exams for court observers in coordination with Profs. Atlantsetseg and Darijav.
- Train student observers regarding aspects of civil procedure.
- Coordinate with Criminal Procedure Supervisor Darijav regarding the hiring and training of students, the analysis and evaluation of reports, etc.
- Collate the observers' accomplished checklists and reports on civil sessions.
- Analyze and evaluate data in the checklists and reports on civil sessions.
- Make pertinent recommendations regarding the aspects of civil law and procedure.
- Report to Project Director Naranchimeg and to Project Coordinator Atlantsetseg.
- Provide the necessary data for the Final Report.

2. The Student Court Observers *(hired April 2005)*

Student court observers will be project front liners that will conduct the court observation.

Duties and Responsibilities:

- Undergo necessary training. Study the checklists and Training Manual by heart.
- Get specific court assignments from the Civil Procedure and Criminal Procedure Observers' Supervisors.

- *Observe the assigned courts and pay attention to every aspect, detail and activity in the court and take down notes as necessary.*
- Accomplish the checklists and other required reports as required.
- Coordinate with members of the group assigned to the district court.
- Report to Supervisors as required.
- Maintain strict confidentiality of observations and reports made.
- Follow all rules and instructions given by Supervisors.

D. SELECTING THE STUDENT OBSERVERS

2nd and 3rd year law students of OU were selected as the court observers COP Working Team officers in consultation with Messrs. La Mont and Croft. In the minds of the OU officers, these younger students who had not yet had the benefit of being taught the specific aspects of the law to be monitored in the district courts have more open minds and are less prejudiced--compared to senior students. They further believed that whatever opinions would be formed in the minds of the younger, less-exposed-to-the-world students in the course of their observation visits would, hopefully, be closer to the truth.

The first 10 student observers were already chosen and trained in November 2004 during the first phase of the COP. The second 10 were chosen from among 40 law students who took the qualifying exams. Over 40 students had applied for the COP but only the 40 recommended by their respective teachers were allowed to take the exams. These 40 were recommended based on the positive attitudes they had consistently demonstrated in class, such as their individual sense of responsibility and accuracy of perception or understanding of things. Their individual grades had nothing to do with their recommendation.

On March 5, 2005, oral and written exams on the Civil and Criminal Procedure Codes were conducted by Profs. Darijav and Narantsatral to test the 40 students who registered. The 10 students who topped these exams were chosen to complete the 20-member team of court observers. All in all, there were 11 females and 9 males whose ages ranged from 20 to 27 years. 11 were third-year students; 9 were second-year.

E. TRAINING THE COURT OBSERVERS

An all-day training session for the 20 student observers was conducted at OU on March 24, 2005 by Profs. Naranchimeg, Darijav and Narantsatral. The session consisted of lectures on specific aspects of civil and criminal court procedures, the use of the checklists and Training Manual, question-and-answer portions, and court observation duties and responsibilities. A final instructions and briefing of the court observers was held on May 5, 2005, the first day of the observation period.

During these sessions, the observers were instructed to keep the observation process a secret. They were to present themselves to the courts as students ordered by their teachers to pursue their practicum. They were not to divulge that they were part of the COP so that the judges and staff would not be conscious that they were being observed and therefore would act in a normal way.

F. ASSIGNING THE STUDENT OBSERVERS TO SPECIFIC COURTS

Because the district courts of **Nalaikh** and **Baga Nuur** are so remotely located outside the center of Ulaanbaatar, the OU officers decided to exclude these two courts from observation. Commuting to these two courts would have posed great hardship on the student observers. Thus, the observation project was confined to the more accessible 6 other district courts. In relation to this, the group of students assigned to a specific district court was selected according to the proximity of their homes to the said court.

The 20 OU students chosen as court observers and deployed as teams to specific district courts were:

Bayangol District Court

3 rd year	Uranzul D. (group leader)	female	20 years old
2 nd year	Erdenechimeg E.	female	24 years old
3 rd year	Munkhtsetseg J	female	20 years old
3 rd year	Munkhsukh T.	male	21 years old

Bayanzurkh District Court

3 rd year	Tsolmonbaatar B. (group leader)	male	25 years old
3 rd year	Gantulga Kh.	male	22 years old
3 rd year	Munkhsol Ts.	female	21 years old

Chingeltei District Court

2 nd year	Burenjargal N. (group leader)	female	25 years old
2 nd year	Tserensodnom N.	female	27 years old
2 nd year	Bayarsaikhan D.	male	25 years old

Khan Uul District Court

3 rd year	Gantumur A. (group leader)	female	20 years old
2 nd year	Undarmaa B.	female	20 years old
3 rd year	Delgermurun J.	female	21 years old

Sukhbaatar District Court

3 rd year	Shinebayar N. (group leader)	male	20 years old
3 rd year	Delgertsetseg G.	female	20 years old
3 rd year	Nyamjargal O.	male	20 years old
2 nd year	Solongo B.	female	21 years old

Songino Kharikhan District Court

2 nd year	Erdenbayar N. (group leader)	male	27 years old
2 nd year	Gerelmaa Z.	female	20 years old
2 nd year	Bat Solongo.	female	21 years old.

F. DOING THE ADMINISTRATIVE DETAILS

The Training Manuals and checklists, one for each of the 20 student observers and one for each of the 30 calendared observations days, were reproduced and distributed to the said observers. Each member of the group was given one checklist to accomplish per work day.

Prof. Atlantsetseg who was in charge of administering the COP funds kept the accounts.

III. ACTUAL OBSERVATION OF THE COURTS (The METHODOLOGY)

A. OBSERVATION SCHEDULE

The court observation period of the 6 district courts was scheduled from Mondays to Fridays, 9 A.M. to 6 P.M. from May 5 to June 10, 2005—a total of 35 work days. The submission of reports and meetings were scheduled late Friday afternoons. *The COP Working Team officers' target was to observe 300 court sessions, or 15 visits per student. However, because some sessions were postponed or because some students were unable to complete their checklists or reports, they were instructed to make up for the postponed or invalidated sessions by attending more court sessions in order to come as close as possible to the targeted 300 visits. 231 court visits were fully observed, that is, with fully accomplished checklists and narrative reports /See page 13, 4th section/.*

The 20 hired student observers were officially excused from attending their classes and were credited instead for the time they spent observing the court sessions. The observation days were their official practicum.

B. THE OBSERVATION PERIOD

1. Students' Assignments

As listed on page 7 of this Final Report, 6 groups of students were assigned to the specific district courts, with each group headed by a leader. During the first week of the observation period, from May 2 to 6, 2005, all the members of the group went to the specified district court to check the posted schedule, then attended whichever sessions were scheduled on that particular day, whether these were civil proceedings or criminal proceedings.

During those occasions when the court sessions were postponed, the students were obliged to stay in the courthouse. As a normal practicum would require, the students volunteered their services to the court staff or to the judge. And, most of the time, the judge and court staff did avail of their services. Some students were made to do certain tasks, such as: sorting files; covering documents with protective covering so that these could be archived; calling up certain court participants; reviewing the court procedures; and the like.

First time, two or three of students jointly appeared at the court procedure to observe it. Believing that the students were doing their practicum, judges of all courts ordered the students to complete different tasks; therefore, students are assigned to work individually at district courts.

2. Securing Permission to Enter the Courtroom

Armed with a written authorization from Otgontenger University, the students presented themselves to the court staff to gain admittance to the court sessions. However, there were occasions when the judge of a particular court questioned some *students whether certain students were indeed also doing their practicum.*

3. Observing the Court Sessions

The group of students sat among the people or relatives or associates of the litigants in the courtroom. Some were made to sit next to the secretary (depending on the physical arrangement of the courts), thereby getting a chance to observe the secretary more closely during the proceedings.

As instructed, the students brought along their checklists with them to the court. However, because of the judge's strictness and suspicious attitude, they did not accomplish these checklists right in the courtroom but merely referred to them from time to time within the pages of their notebooks. So, in order to avoid arousing suspicion on the part of the judge, they simply took down notes and accomplish their checklists at home later.

4. Completed and Uncompleted Observation Days

Most of the observers experienced being instructed by the judge at one point or another of the observation period to work elsewhere in the other rooms. Once, a student was made to stand in as a "civil representative" (when the latter was absent). In another incident, another student was made to record the minutes of the proceedings the secretary momentarily stepped out of the courtroom to retrieve some documents elsewhere. These interruptions made for incomplete observation days which were subsequently invalidated by the Supervisors.

On some occasions, after the checking of the court participants' presence in court, it was discovered that vital participants were absent. In such cases, the sessions were postponed. These were not counted as a complete observation days even though the students stayed in the court staff room to help around.

Unfortunately, a few observers committed lapses by forgetting which factors to monitor in the sessions and, so, could not complete the checklist. These incomplete efforts were not counted by the COP Supervisors who required them to make up for these by observing other sessions.

Thus, observation days were cancelled due to the following factors: (a) postponements initiated by the prosecutors or advocates, (b) postponements caused by the absence of certain court participants, (c) being instructed by the judge to perform other tasks, and, (d) the personal lapses of the students. Therefore, only 231 were completed, that is, fully observed with accomplished checklists and narrative reports.

5. Students' Reports

The students accomplished their checklists and narrative reports daily. They submitted these reports to Supervisors Darijav and Narantsatsral on Friday afternoons during which time they also discussed the events of the past week as well as other pertinent matters. The checklists that were not completed due to the reasons described in the preceding section were discarded. At the end of the 30-day observation period, the 6 groups of students submitted their group reports.

IV. COURT OBSERVATION REPORTS

A. PROGRESS REPORT

OU submitted two progress reports to the JRP, one dated June 5, 2005 and the other, June 20, 2005.

It must be mentioned that The Asia Foundation was no longer a part of the second phase of the COP, so that the report was submitted directly to the Judicial Reform Program of the National Center for State Courts. Observation started in May; therefore, process reports were submitted twice on June 05 and June 20. The contract was signed by the Judicial Reform Program of USAID on April 05, 2005. We have permanently contacted Mrs. Uran, an official of the Judicial Reform Program, on the phone and informed the process results.

B. SUMMARY OF QUANTITATIVE RESULTS

The report on pages 11 to 14 entitled "Summary of Quantitative Results," provides a bird's eye view of the answers to the questions in the two checklists (criminal and civil) used by the student observers. It contains only a summary of the raw quantitative data. The detailed analyses and evaluation of these answers follow in the Section V of this Final Report.

SUMMARY of QUANTITATIVE RESULTS

Court Observation Program

Observation Period: May 5 to June 10, 2005

Total No., Targeted Court Visits	300	<i>There has been some change in final report had statistics because since the brief report was written 5 checklists of civil trials has been added and 12 checklists of criminal trials has been disqualified at the request of Neomi advisor</i>
Total No., Completed Court Visits	231	
No. of Criminal Sessions Observed	128	
No. of Civil Sessions Observed	103	
No. of Sessions Invalidated or Postponed	69	
No. of Sessions with 3 Judges	127	
No. of Sessions with 1 Judge	104	

DISTRICT COURT	BAYANGOL	BAYANZURKH	CHINGELTEI	KHAN UUL	SUKHBAATAR	SONGINO KHAIRKHAN
Judges Observed	Oyunchimeg	Zorig	Oyunchimeg	Batbayar	Nyamsuren	Tumenjargal
	D.Enhtsetseg	Solongo	Narantsetseg	Luvсандорж	Tugsgereг	Ganzorig
	Erdenesuvд	Purevsuren	Munkhbayar	Bathuu	Sarantuya	Oyunchimeg
	L.Oyun	Surenjav	Batrsuuri	Munhtuya	Battseren	Baatar
	Delgertsetseg	Chuluunhuu	Tumendelger	Buyanjargal	Tserenbaljir	Urantsetseg
	Tuya	Byambadorj	Tsengel	L.Oyunchimeg	Bazarhand	Saihantsetseg
	Altantsetseg	Dorjnamjin	Altantuya	D.Baigalmaa	Sukhbaatar	Altantsetseg
	Buyannemeh	Enkhtuya	Sarantuya	Baatar	Altanchimeg	Zavuud
	Narantuya	Tuvshintur	Narantuya			Batbaatar
	Tserenpil		Tsagaantsooj			Davaasuren
	Narantsetseg		Bud			Urantsetseg
			Oyungerel			Ganzorig
			Ariunaa			Ulamnemeh
Student Observers	Uranzul D. (leader)	Tsolmonbaatar (leader)	Burenjargal N. (leader)	Delgermurun J. (leader)	Delgertsetseg G. (leader)	Erdenbayar N. (leader)
	Erdenechimeg E.	Gantulga Kh.	Tserensodnom N.	Undarmaa B.	Shinebayar N.	Gerelmaa Z.
	Munkhtsetseg J.	Munkhzol Ts.	Bayarsaikhan D.	Gantumur A.	Nyamjargal O.	Bat. Solongo
	Munkhsukh T.				Solongo B.	

	BAYANGOL		BAYANZURKH		CHINGELTEI		KHAN UUL		SUKHBAATAR		SONGINO KHAIRKHAN	
Total No. of District Court Visits	41		21		42		26		35		66	
	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil
Number of sessions observed	25	16	14	7	27	15	13	13	17	18	32	34
Total Hearings Postponed	0	0	0	0	0	0	0	0	0	0	0	0
Sessions with 3 judges:	18	8	10	1	21	7	8	9	15	5	13	12
Sessions with 1 judge:	7	8	4	6	6	8	5	4	2	13	19	22
FACTORS OBSERVED	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil
A. Punctuality & Attendance												
1. Secretary verified attendance of court participants	25	16	14	7	17	15	7	13	8	9	14	19
2. Other judges present at start of court session	15	12	7	1	11	9	4	10	7	5	11	10
3. Prosecutor present at start	25	N.A.	13	N.A.	27	N.A.	13	N.A.	17	N.A.	32	N.A.
4. Advocates present at start	31	16	14	5	31	17	13	14	17	16	46	26
5. Hearings started on time	1	1	0	3	5	9	3	5	2	2	5	16
6. Police/security officer present	10	N.A.	3	N.A.	7	N.A.	3	N.A.	13	N.A.	17	N.A.
B. Compliance with Court Procedures												
7. Sessions held in courtroom	25	6	14	6	27	15	13	13	17	14	32	32
8. Secretary asks people to rise as a sign of courtesy	18	N.A.	6	N.A.	21	N.A.	3	N.A.	13	N.A.	10	N.A.
9. Judge explains rights & duties of parties	22	16	13	7	24	15	12	13	17	18	32	34
10. Judge explains right to challenge	25	16	14	7	27	16	13	13	17	18	34	34
11. Bench addresses challenge	No challenge made by any party											
12. Judge verifies identity of accused or defendant	31	13	16	7	28	15	13	9	18	18	32	34
13. Judge verifies if accused received copy of Prosecutor's resolution 3 days prior to hearing	31	N.A.	14	N.A.	27	N.A.	13	N.A.	18	N.A.	30	N.A.
14. Judge asks accused if charge read in court is same one in document received.	31	N.A.	17	N.A.	26	N.A.	13	N.A.	18	N.A.	32	N.A.
15. Judge asks each of accused if charges are understood.	31	N.A.	17	N.A.	26	N.A.	15	N.A.	20	N.A.	32	N.A.
16. Judge asks accused if they want to speak.	31	N.A.	16	N.A.	28	N.A.	13	N.A.	20	N.A.	32	N.A.
17. Judge verifies identity of witnesses.	2	1	2	N.A.	1	4	3	2	5	N.A.	4	2

	BAYANGOL		BAYANZURKH		CHINGELTEI		KHAN UUL		SUKHBAATAR		SONGINO KHAIRKHAN	
FACTORS OBSERVED	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil
18. Judge asks witnesses to step out of courtroom	2	1	2	N.A.	1	4	3	2	5	N.A.	4	2
19. Judge explains rights & duties of witnesses	2	1	2	N.A.	1	4	3	2	5	N.A.	4	2
20. Judge gives other participants to question witnesses.	2	1	2	N.A.	1	4	3	2	5	N.A.	4	2
21. Judge addresses requests of participants	No requests made by any party											
22. Prosecutor actively participates in arguments	25	N.A.	14	N.A.	27	N.A.	13	N.A.	17	N.A.	32	N.A.
23. Advocate actively defends accused person(s)/defendant	24	9	15	3	20	7	10	5	7	8	33	27
24. Advocate actively defends complainant(s)/ plaintiff	3	7	6	2	4	7	3	8	3	11	7	14
25. Judge gives litigants equal opportunities to give arguments	N.A.	16	N.A.	6	N.A.	15	N.A.	13	N.A.	14	N.A.	34
26. Judge gives accused opportunity to give final word.	31	N.A.	16	N.A.	28	N.A.	13	N.A.	20	N.A.	32	N.A.
27. Decision is explained to the accused	28	N.A.	16	N.A.	25	N.A.	15	N.A.	16	N.A.	49	N.A.
28. Judge explains losing party's right to appeal	24	16	14	6	27	16	11	12	17	18	29	34
29. Sec. continuously records court proceedings	25	15	14	7	27	16	13	12	17	17	30	34
30. Pres. Judge introduced the case before the adversarial principle has started	N.A.	15	N.A.	7	N.A.	16	N.A.	12	N.A.	16	N.A.	34
31. Pres. Judge asks litigants if they wish to reconcile	N.A.	15	N.A.	3	N.A.	15	N.A.	8	N.A.	15	N.A.	27
32. Pres. Judge asks parties if they understand the decision.	N.A.	16	N.A.	6	N.A.	15	N.A.	11	N.A.	17	N.A.	34

	BAYANGOL		BAYANZURKH		CHINGELTEI		KHAN UUL		SUKHBAATAR		SONGINO KHAIRKHAN	
FACTORS OBSERVED	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil
C. Conduct of Participants												
33. Presiding Judge exercises authority over proceedings according to the law	25	16	11	5	27	15	13	11	14	17	30	34
34. Pres. Judge is courteous	23	13	14	5	27	16	12	12	17	18	32	34
35. Pres. Judge is fair to all	25	16	14	5	27	16	13	12	17	18	32	33
36. Other Judges attentive	28	11	16	2	19	12	7	11	13	4	15	16
37. Other Judges courteous	34	13	14	2	39	12	9	24	24	7	24	22
38. Other Judges actively participate	27	9	11	2	20	12	8	10	13	4	18	11
39. Other Judges stay in courtroom throughout proceedings	7	N.A.	8	N.A.	5	2	5	N.A.	6	1	3	9
40. Secretary well prepared	24	14	12	6	27	11	10	12	11	15	20	29
41. Secretary courteous	25	14			27	16	13	12	17	18	32	34
42. Citizens' representatives ask intelligent questions	6	10	14	2	8	N.A.	6	N.A.	7	4	7	6
43. Advocate of victim/plaintiff courteous	4	7	5	2	4	7	3	5	4	12	6	14
44. Advocate of accused/ defendant courteous	23	7	11	2	27	7	10	8	16	9	34	33
D. Court Facilities & Staff	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil	Criminal	Civil
45. Easy access to court bldg.	25	16	14	6	27	9	13	13	17	12	32	34
46. Information at Public Access Terminal easily accessed	25	15	9	5	27	16	10	5	16	14	32	34
47. Signs posted on the rooms	25	13	14	6	27	16	8	4	17	4	32	34
48. Easy access to information about case on trial	22	15	12	3	24	14	13	11	11	12	32	N.A.
49. Easy access to court session	22	16	14	3	9	9	10	13	11	15	32	34
50. Sufficient seats for public	25	16	14	6	27	16	8	8	17	17	32	34
51. Toilet accessible to public	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	1	1
52. Court staff courteous and helpful	25	15	14	5	27	15	13	4	13	12	32	34
53. Courtroom clean	14	6	13	5	27	16	8	10	17	18	32	34
54. Secret'y uses computer when recording minutes of session	22	13	14	5	27	13	13	9	17	17	32	34
55. The detention room for accused persons is in good condition.	Yes	No	Yes	No	Yes	No	No	No	No	No	No	No

C. POSITIVE OBSERVATIONS

1. Observations regarding Compliance with Court Procedures

- (a) In 219 (94.8%) of the 231 sessions observed, the Presiding Judge was observed to have conducted every step of the court procedures almost perfectly, that is, as faithfully as possible according to the law.
- (b) 191 (82.6%) out of 231 sessions observed: The Secretary in each court district was well prepared for the sessions, and exhibited politeness towards all.

2. Observations re Court Staff and Facilities

- (a) The Bayangol, Bayanzurkh and Chinggeltei district courts had detention rooms that were clean and adequate furnished.
- (b) The schedule of criminal proceedings was posted all the time in all 6 district courts.
- (c) It is a fact that some court participants in the proceedings often cannot come to the sessions because there is no one to look after their young children. The Bayanzurkh district court has addressed this problem by providing a room for the children or under-age court participants where they can while their time while waiting. During the observation period, the Bayangol district court was in the process of constructing such a room.
- (d) The Songino Khairkhan district court has a toilet for the public (unlike the other 5 district courts observed).
- (e) Three district courts—Songino Khairkhan, Sukhbaatar and Bayanzurkh—had big posters on the wall with easy-to-understand information about the law and the courts.
- (f) All the district courts were equipped with computers which facilitated the work of the judges, secretary and other court personnel.
- (g) Some of the secretaries in the district courts appeared to be very capable in the use of the computers.
- (h) One of the two courtrooms in the Sukhbaatar district court was clearly labeled “Court Session Room”. When the session started or stopped for a break, a light with a sound went on or off accordingly.
- (i) The Songino-Khairkhan district court had a separate consultation room for the judges.
- (j) The Public Access Terminals in all district courts were operational at all times.

D. NEGATIVE OBSERVATIONS

1. Observations Regarding Punctuality and Attendance:

- (a) Sessions did not start at the scheduled time.** Only 49 (21.2%) out of 231 sessions observed started on time. Delay ranged from 8 minutes to 3 hours. Causes:

1. Between 3 to 4 court sessions each day were each scheduled in the civil courtroom and criminal courtroom. Often times, one session was not yet over and ran into the schedule of the next session. This resulted in the delay of the next session, cutting its time and making people wait.
2. Court participants arrived late to the sessions because they said that they were not informed about the schedule. In some cases, the secretary admitted that the notice sent the participants was short of the required 3 days' notice prior to the session.
3. 32 times out of 128 criminal sessions: Prosecutors were late.
4. 38 times out of 231 hearings: Advocates were late.
5. Frequently, the detainee or prisoner was brought late to the courtroom. The reason given was that there is only one vehicle to transport detainees or only one vehicle available to the 6 district courts.
6. Some judges in the panel were busy with other court sessions so that the sessions could not start due to absence of one the judges.
7. 40 (17.3 %) out of 231 sessions: The court room was not opened at the scheduled time, so that this caused delay and kept people waiting. Also, some secretaries had to leave the courtroom during the sessions because they had forgotten to bring important documents with them. So they had to leave the courtroom momentarily to get the said documents. This also caused delay.

(b) Scheduled sessions were postponed. Causes:

1. 34 times out of 231 hearings: Some court participants were absent, or, the advocates requested postponement, saying that they had to get the evidence first.

2. Observations Regarding Compliance with Court Procedures

- (a)** One of the principles of Mongolian law states that the trials should be open to the public. But many times, the judges acted as if outsiders such as the students were unwelcome. That was why it was necessary to conduct the observation in secret.

- (b) 8 out of 103 civil proceedings: Presiding Judge did not ask litigants if they wished to reconcile or settle amicably.
- (c) 8 out of 128 criminal proceedings: Presiding Judge did not verify the identity of the accused.
- (d) 4 out of 103 civil proceedings and 26 out of 128 criminal proceedings: Presiding Judge did not explain the dispositive part of the decision to the plaintiff and accused, respectively.
- (e) 1 out of 103 civil proceedings, and 6 out of 128 criminal proceedings: Judge did not explain the right to appeal to the losing party.
- (f) 6 out of 128 criminal proceedings: Presiding Judge did not explain the rights of the participants. In 3 cases, he did not give the accused the opportunity to exercise his right to speak.
- (g) In 4 out of 231 hearings, the Secretary was observed not to be recording the minutes at all times.
- (h) Many times the secretary failed to check the presence of the court participants in the court. Then the Presiding Judge had to do the checking himself. The secretary's failure caused delay in the proceedings.
- (i) 67 out 231 cases, the secretary did not ask the people to rise as a sign of respect to the judges.
- (j) 53 (41%) out of 128 criminal proceedings: A police officer was not always present to keep security in the courtroom or to guard the accused or prisoner.
- (k) In only 17 out of 128 criminal proceedings and 9 out of 103 civil proceedings were witnesses part of the proceedings. Otherwise, there were hardly any witnesses summoned to support the testimonies of the litigants.
- (l) In certain courts, 18 civil trials were held in the judge's chambers. In the case of the Bayangol district court, the courtroom was under repair. In some courts, there were still on-going sessions in the courtroom, but in some others, the reason for holding the trials in judge's chambers was not known.

3. Observations regarding Conduct of Participants

- (a) 121 out of 128 criminal cases, and 91 out of 103 civil cases: The second and third judges (not the Presiding Judge) did not actively participate in the proceedings. In fact, they were inattentive: they frequently went in and out of the courtroom, read the newspapers, were reading or writing, and frequently used their cell phones.
- (b) In 30% of 169 sessions observed with a panel of 3 judges, the Civil Representatives kept asking irrelevant questions that had already been asked and answered, such as names of the participants and the like. The repetitive questions prolonged the sessions.

4. Observations regarding the Court Staff and Facilities

- (a) There is only one person operating the Public Access Terminals in the other 6 district courts. This person appeared to be under pressure by many citizens asking for information, and acted impatiently towards them. When she or he left the Terminal for one reason or another, there was no one else to man it. Therefore, when unmanned, no one could give service to the citizens.
- (b) *There is Public Access Terminal of the Khan Uul district court, but it was not operational for some time.*
- (c) When sessions were going on in the Sukhbaatar district court, the conversation of the doorman in the corridor outside the closed doors could be heard inside the court. It is likely that the discussions inside the court could also be heard in the corridors, including the detention room located beside the courtroom.
- (d) The Khan Uul district court did not have enough chairs and tables for the public.
- (e) 5 district courts did not have a toilet for the public (only the Songino Khairkhan district court had one). When citizens had to use the toilet for the staff, they had to pay for its use.
- (f) The rooms in some of the district courts had no signs at all. Since portions of the district courts of Bayangol, Sukhbaatar and Khan Uul were under construction at the time they were being observed, the students could not tell whether not having signs on the doors was temporary or not.
- (f) No schedules of the **civil** proceedings were posted at all in any of the district courts, so that it was difficult to be admitted to the hearings.
- (h) The Chingeltei district court building and the rooms are very old and very small.
- (i) Except in the Sukhbaatar and Songino Khairkhan district courts, there was physical barrier that separated the accused from the other court participants. The accused sat close to them during the sessions.
- (j) Detention rooms in some district courts were too small to hold the number of accused, had no chairs, no ventilation, and were very dirty.
- (k) The Songino Khairkhan district court has microphones in the courtroom but they were not working.
- (l) Internet connection exists within the district court itself, but there is none among the district courts. So that, if one court or a citizen needs to obtain information from, or to verify information from the other courts, the only recourse is to physically go to the other courts and check the information.

5. Other Observations

- (a) Courts are apparently overloaded with cases to hear. The calendar of criminal sessions showed 3 or 4 sessions scheduled in one day. The judges were observed to go from one session to another without any break.
- (b) 69 out of 128 criminal proceedings: Complainant did not have an advocate.
- (c) 50 out of 103 civil proceedings: Defendant did not have an advocate.

V. ANALYSES AND RECOMMENDATIONS

Considering the negative observations described in the foregoing section, there obviously must be more faithful compliance with court procedures in order to fully protect the rights of citizens and to administer justice more efficiently. Following are specific recommendations to improve the administration of justice in the courts.

A. TO IMPROVE THE ADMINISTRATION OF JUSTICE

1. **Witnesses.** There were too few witnesses availed of in the 231 sessions observed. Only in 17 out of 128 criminal proceedings and in 9 out of 103 civil proceedings were there witnesses. The Judges, prosecutors and lawyers must be more vigilant about the legal rights of the litigants and actively assist the latter in securing witnesses.
2. **Advocates.** In 69 out of 128 criminal proceedings, the complainant did not have an advocate, and in 50 out of 103 civil proceedings, the defendant did not have a lawyer either.

It is a fact that it is difficult, if not impossible, to defend one's legal rights in any court trial without a lawyer. Therefore, litigants without an advocate in court will probably not get the justice they need. Judges should take the initiative in explaining to litigants the necessity of having a lawyer.

3. **Civil Representatives.** Civil Representatives chosen from the voters' list are mostly elderly people who have the time to attend court sessions. In order that these Civil Representatives may be able to contribute more significantly to the administration of justice, it is hereby proposed that younger, more capable and better educated people be appointed as Civil Representatives. In order to attract the more capable, better educated people who will agree to become Civil Representatives, their salaries must be increased.
4. **Legal rights.** In some instances, the Court failed to remind the participants of their legal rights. The Court must be more vigilant about these rights, particularly about the right to settle amicably, the right to appeal, the accused's right to give the final word, and the right to have the final decision explained to them.

5. **Judges.** The judges who constitute the panel of judges must conscientiously perform their duties to administer justice and try to inspire people by their exemplary behavior. They should be careful about their conduct during the sessions. They should actively participate in the proceedings, respect the judicial process, and earn the public trust.
6. **Open trials.** The law provides that all trials must be open to the public. However, some regulations and restrictions do not allow citizens to freely attend the sessions. The courts must be truly open and transparent about these sessions and eliminate bureaucracy.

B. TO EASE THE WORK LOAD OF THE JUDGES

1. During the court observation period, 28 criminal cases involving less serious crimes were heard by a panel of three judges. Considering the number of criminal cases filed in the courts and the very limited manpower resources of the justice system, there is an obvious need to separately deploy judges to more serious cases and to expedite the sessions.

Article 32 of the Criminal Procedure Code requires 3 judges to hear a case which involves an investigation and a single judge to hear a case which involves an inquiry. It is hereby proposed that this Article be amended to modify the definition and range of serious offenses that are under the jurisdiction of a panel of three judges. Specifically, the panel of three judges should be assigned to only the more serious and violent offenses.

2. Hearings must be scheduled in a more practical manner, say, Mondays to Thursdays. Judges must be given the opportunity to attend to other important matters aside from hearing the trials, such as, writing decisions, reviewing cases and evidence, and the like.

C. TO HELP ELIMINATE DELAYS AND POSTPONEMENTS

1. There should only be 1 or 2 sessions scheduled in each courtroom per day, instead of the usual 3 to 4 calendared sessions. This is a more reasonable schedule and should help in preventing postponements or delay.
2. Increase the number of court rooms. At the present time, there are only two courtrooms per district court, one for civil proceedings, the other for criminal proceedings. Additional courtrooms with additional judges should help cut the backlog of cases.
3. The Court Secretary must faithfully comply with the rule to notify the court participants of the scheduled hearing at least 3 days before the hearing.
4. Penalties for tardiness without a reasonable excuse must be imposed on all court participants to discourage tardiness.

5. Since the tardiness of the Prosecutor sometimes caused the sessions to be delayed, there should be closer coordination between the Prosecutor and the courts.
6. At the present time, there is only one vehicle being shared by the district courts for the transport of detainees. This situation has caused delay in the hearings when the accused were not available because there was no available transportation for them. There should at least be one vehicle for every 2 or 3 district courts, and proper scheduling coordination among the district courts.
7. The advocates and their clients must be reminded to secure their evidence prior to the session. The lack of evidence was often an excuse for postponing the proceedings.
8. Because of the present situation where there are 3 to 4 sessions scheduled per courtroom, the Presiding Judge must be more conscientious in keeping time and not consume the time of the next scheduled session.
9. The Presiding Judge must intervene and speed up the proceedings when the Civil Representatives ask irrelevant questions which waste the Court's time.

D. TOWARDS MORE FAITHFUL COMPLIANCE WITH COURT PROCEDURES

1. The Court Secretary must remind the people in the courtroom to rise when the Judges enter the courtroom. This procedure establishes who is in authority and serves as a reminder for the people to be respectful to the Court.
2. Sessions must be held in the courtroom. Judges should try to limit the number of trials held in their private rooms.
3. There must be a physical barrier between the accused and other court participants. The police officer must guard the accused at all times.

E. FOR BETTER SERVICE TO THE PUBLIC

1. Public Access Terminals must be available at all times of the day to the public.
2. For more efficient service, there should be more than one person manning the Public Access Terminal. Staffers should be trained to act more politely and helpfully to the citizens who ask for information through the Terminal.
3. The calendar of scheduled Civil and Criminal cases must be posted in a place that is accessible to the public. The schedule of civil proceedings must be posted.
4. A toilet for the public must be provided for the public without need of payment.
5. More benches for the public should be furnished the district courts. There are far too few seats for the many people who come to the courts daily and who must wait a long time for their turn in the courtroom or to pursue other matters.

7. The detention room for the accused must be better furnished with chairs and tables and should be properly lit and ventilated.
8. The other district courts must provide rooms for children or under-aged litigants in the same way that the Bayanzurkh district court has done and Bayangol is doing.
9. Provide microphones in the courtrooms. Have the Songino Khairkhan district court fix its microphones.

VI. EVALUATION OF STUDENTS' PERFORMANCE

Profs. Darijav and Narantsatsral rated the group of students that observed the Songino Khairkhan district court as the most dependable group in terms of prompt and complete submission of weekly reports. (See page 7 for list of members' names.) The members of this group also commonly demonstrated keen analytical abilities in making their oral and written reports.

The other groups did not perform as well as the Songino Khairkhan group in terms of quality of reports. But some individual members thereof did their jobs very well, particularly Erdenbayer N., the leader of the Songino Khairkhan group, who not only observed 32 sessions by himself but also submitted excellent reports.

Summary and evaluation of observer's court sessions notes, delivery of explanations

District courts	Name of Observers	Number of observed criminal court sessions	Number of observed civil court sessions	Total	If explanation was delivered	Evaluation
BAYANGOL	Uranzul D. (leader)	5	6	11	Delivered	satisfied
	Erdenechimeg E.	8	4	12	Delivered	Satisfied
	Munkhtsetseg J	6	6	12	Delivered	Satisfied
	Munkhsuh.T	6	-	6	Not delivered	Not satisfied
BAYANZURKH	Tsolmonbaatar (leader)	4	2	6	Delivered	Not satisfied
	Gantulga Kh.	4	2	6	Not delivered	Not satisfied
	Munkhzol Ts.	6	3	9	Delivered	Not satisfied
CHINGELTEI	Burenjargal N. (leader)	11	6	17	Delivered	Satisfield
	Tserensodnom N.	11	3	14	Delivered	Satisfield
	Bayarsaikhan D.	5	6	11	Delivered	Satisfield
KHAN UUL	Delgermurun J.	5	6	11	Delivered	Satisfield
	Undarmaa B. (leader)	5	4	9	Delivered	Satisfield
	Gantumur A.	3	3	6	Incomplete	Not satisfied
SUKHBAATAR	Delgertsetseg G. (leader)	6	6	12	Delivered	Satisfield
	Shinebayar N.	6	6	12	Delivered	Satisfield
	Nyamjargal O.	5	6	11	Delivered	Satisfield
SONGINO KHAIRKHAN	Erdenbayar N. (leader)	16	16	32	Delivered	Satisfield
	Gerelmaa Z.	10	10	20	Delivered	Satisfield
	Bat. Solongo	6	6	12	Incomplete	Not satisfied
	Solongo.B	can't meet requirements	2	2	Lack of summary	Not satisfied

VII. CONCLUSION

The Court Observation Program enabled citizens to learn first-hand how court proceedings are conducted and how public servants render service to the public. Having directly observed the problems and difficulties encountered by both court officers and the public in the matter of litigation, observers have acquired a new understanding and appreciation of the people who make the justice system work. Armed with fresh knowledge and insights about the court process, they have been able to formulate concrete recommendations on how to improve the *administration of justice in the courts*.

However, only 20 students conducted the observations, the student's experience of observing the courts has been an invaluable education for them. These students will be lawyers in the future. It has motivated them to increase their knowledge, improve their analytical skills, and to understand more deeply how faithfulness or unfaithfulness to one's duties can impact on other people. Some students expressed that they have acquired a greater resolve to be more responsible members of the judicial system.

The officers of the COP Working Team have likewise greatly benefited from the COP. Their practical knowledge of the courts has increased in no small measure. It has also been their privilege to be part of the training of the future lawyers of the country.

On basis of the future analysis and surveys of the rural courts, it is necessary to develop certain measures influenced on state policy, regulations and future plan on improvement of judicial activities and practices.

It is also their hope that the Court Observation Program, or something similar to it, be implemented in all the courts in the country on a permanent basis should involve not only students, but also the graduates and officials in rural areas in order to have the judicial activities open for public and improve public belief and trust in judicial organizations.

Consequences of Project Implementation

We have to note that the project implementation became a positive influence on teachers and professors to pay attention to grant professional ethics, knowledge, skills and abilities to future lawyers, advocates and judges during their studenthood.

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In summer 2004, the JRP ran three regional TOTs for 21 Aimag trainers. All 63 Aimag trainers attending the regional TOTs were committed to teach in their respective Aimags. With GCC and GPO encouragement and JRP course materials, there were three-day local courses in each Aimag between the end of September and the beginning of December 2004. The goal of the 2004 Aimags Follow –Up Training was to train Aimag judges, prosecutors and advocates on the following topics:

1. Some Issues of Criminal Law and Criminal Procedure Law focusing on aspects of analysis, collection and evaluation of evidence, correct classification of fraud and advocacy.
2. How to Use the Contract Law Training Manual drafted and printed with the financial assistance of JRP.
3. Effective Communication in Court.

The JRP supplied course evaluation forms in standard format. The JRP Program Coordinator summarized all the evaluations from each Aimag. The 21 Aimag evaluations were consolidated as a final evaluation summary (shown below). In addition, JRP and NLC trainers went to 8 Aimags to monitor the trainings for quality control purposes. Aimags where JRP and NLC trainers did monitoring:

1. Bayankhongor
2. Bayan-Ulgii
3. Govi-Altai
4. Dornod
5. Zavkhan
6. Khovd
7. Sukhbaatar
8. Uvs

Conclusion

As in previous years the scores were in general very high. In part it may reflect the scarcity of other training available in the Aimags. From the average scores of all Aimags it can be concluded that the most successful course was in Bayan-Ulgii (4.65). The least successful course was in Selenge (3.89). The JRP will evaluate the need for further training or replacement of trainers in some Aimags (for instance, Selenge and Tuv) who performed well below the average.

The written comments were mostly positive and constructive. Most of the evaluations had some recommendations given previously in 2003. Aimags participants wanted longer courses and to have them more often. There were many requests for more use of audio visual aids in teaching, especially the use of training videos. The interactive group discussions, problem solving and use of videos on Effective Communication and Adversarial Process produced with the JRP funding were very well received by audiences.

There were many constructive critics regarding the trainers. Trainers from Khuvsgul, Dornod, Sukhbaatar and Uvurkhangai Aimags were assessed by the audiences very well. According to the participants evaluations some trainers from Selenge, Dundgovi and Tuv Aimags were the

weakest. Participants from Selenge, Dundgovi and Tuv Aimags criticized that the training preparation was not good in their Aimags.

Aimags participants suggested paying more attention to teaching methods of trainers, to conduct further TOTs to make trainers more skilled, to pay attention to the quality of training, to monitor and evaluate trainings.

**Consolidated Evaluation Summary of Trainings
Conducted by Trainers from 21 Aimags
(September-December, 2004)**

A. General reaction of Aimag participants regarding the Follow-Up Training (average scores):

1. Arkhangai	-	4.48
2. Bayan-Ulgii	-	4.65
3. Bayankhongor	-	4.63
4. Bulgan	-	4.07
5. Govi-Altai	-	4.06
6. Govisumber	-	4.21
7. Darkhan-Uul	-	4.04
8. Dornogovi	-	4.15
9. Dornod	-	4.29
10. Dundgovi	-	4.05
11. Zavkhan	-	4.29
12. Uvurkhangai	-	4.05
13. Umnugovi	-	4.29
14. Orkhon	-	4.33
15. Khovd	-	4.09
16. Khuvsgul	-	4.14
17. Khentii	-	4.21
18. Sukhbaatar	-	4.41
19. Selenge	-	3.89
20. Tuv	-	4.03
21. Uvs	-	4.0

B. Summary of opinions of participants on the subjects taught:

1) What was the most effective part of the program?:

a) Evaluation of Training on "Criminal Code and Criminal Procedure Code"

-Analysis, collection and evaluation of evidence (Selenge 11 + Orkhon 5 + Dornogovi 2 + Uvs 2 + Uvurkhangai 2 + Khuvsgul 4 + Khentii 4 + Tuv 4 + Darkhan-Uul 4 + Dornod 6 + Dundgovi 8 + Sukhbaatar 4 + Bayan-Ulgii 5 + Bulgan 6 + Govi-Altai 3 + Khovd 3 + Zavkhan 2)

-Correct classification of fraud (Selenge 2 + Orkhon 10 + Uvs 3 + Uvurkhangai 3 + Khentii 2 + Tuv 2 + Darkhan-Uul 3 + Dornod 7 + Dundgovi 3 + Umnugovi 2 + Sukhbaatar 3 + Arkhangai 3 + Bayan-Ulgii 6 + Bayankhongor 1 + Govi-Altai 4 + Khovd 5)

-All parts were effective (Selenge 4 + Orkhon 4 + Uvs 3 + Uvurkhangai 4 + Khuvsigul 3 + Khentii 6 + Tuv 6 + Darkhan-Uul 7 + Dornod 2 + Dundgovi 5 + Umnugovi 3 + Sukhbaatar 1 + Arkhangai 5 + Bayan-Ulgii 1 + Bayankhongor 1 + Bulgan 3 + Khovd 6 + Zavkhan 5)

-Problem solving (Orkhon 2 + Dornogovi 10 + Uvs 2 + Uvurkhangai 2 + Khuvsigul 4 + Khentii 2 + Govisumber 3 + Darkhan-Uul 4 + Dornod 4 + Umnugovi 3 + Sukhbaatar 5 + Bayan-Ulgii 5 + Bayankhongor 1 + Govi-Altai 5 + Khovd 5 + Zavkhan 1)

-Interactive parts (Orkhon 2 + Dornogovi 3 + Tuv 3 + Arkhangai 1 + Bulgan 3)

-Mock-trial video (Uvs 6 + Uvurkhangai 9 + Khentii 6 + Tuv 9 + Dornod 2 + Sukhbaatar 2 + Arkhangai 1 + Bayankhongor 1 + Bulgan 1 + Khovd 5)

b) Evaluation of Training on "Contract Law"

-All parts were effective (Selenge 9 + Orkhon 11 + Dornogovi 3 + Uvs 5 + Uvurkhangai 6 + Khuvsigul 3 + Khentii 9 + Govisumber 5 + Darkhan-Uul 11 + Dornod 9 + Dundgovi 4 + Umnugovi 6 + Sukhbaatar 1 + Arkhangai 11 + Bayan-Ulgii 5 + Bulgan 4 + Govi-Altai 3 + Khovd 14 + Zavkhan 2)

-Theoretical part (Selenge 6 + Dornogovi 2 + Darkhan-Uul 4 + Dornod 4 + Umnugovi 2 + Sukhbaatar 5 + Arkhangai 1 + Bayan-Ulgii 9 + Govi-Altai 4 + Khovd 4)

-Problems and exercises (Selenge 1 + Orkhon 4 + Dornogovi 3 + Uvs 4 + Uvurkhangai 2 + Khuvsigul 10 + Khentii 3 + Tuv 2 + Govisumber 4 + Dornod 4 + Dundgovi 7 + Umnugovi 4 + Sukhbaatar 4 + Arkhangai 5 + Bayan-Ulgii 1 + Bayankhongor 2 + Bulgan 6 + Govi-Altai 5 + Khovd 5 + Zavkhan 2)

-Contract Law training was especially important for prosecutors (Khovd1)

c) Evaluation of Training on "Effective Communication in Court"

-All parts were effective (Selenge 8 + Orkhon 8 + Dornogovi 2 + Uvs 6 + Uvurkhangai 9 + Khuvsigul 5 + Khentii 10 + Tuv 11 + Govisumber 2 + Darkhan-Uul 11 + Dornod 10 + Dundgovi 8 + Umnugovi 4 + Sukhbaatar 6 + Arkhangai 8 + Bayan-Ulgii 9 + Bayankhongor 3 + Bulgan 5 + Govi-Altai 3 + Khovd 9 + Zavkhan 3)

-Filling a test and determination of character (Selenge 7 + Orkhon 3 + Uvurkhangai 10 + Khuvsigul 7 + Tuv 2 + Govisumber 3 + Dundgovi 2 + Umnugovi 1 + Sukhbaatar 1 + Bayan-Ulgii 1 + Govi-Altai 1)

-Discussion based on training video (Selenge 2 + Orkhon 6 + Dornogovi 8 + Uvs 6 + Khentii 9 + Tuv 7 + Darkhan-Uul 5 + Dornod 10 + Dundgovi 6 + Umnugovi 5 + Sukhbaatar 6 + Arkhangai 5 + Bayan-Ulgii 4 + Bayankhongor 2 + Bulgan 9 + Govi-Altai 8 + Khovd 10 + Zavkhan 1)

-Problem solving and discussion (Tuv 3 + Dundgovi 6 + Umnugovi 4 + Bayankhongor 2 + Khovd 1)

2) What was the least effective part of the program?

a) Evaluation of Training on "Criminal Code and Criminal Procedure Code"

-There was no ineffective part (Selenge 7 + Orkhon 12 + Dornogovi 5 + Uvs 10 + Uvurkhangai 6 + Khentii 10 + Tuv 11 + Darkhan-Uul 14 + Dornod 11 + Dundgovi 6 + Umnugovi 4 + Sukhbaatar 8 + Arkhangai 5 + Bayan-Ulgii 7 + Bayankhongor 4 + Bulgan 7 + Govi-Altai 3 + Khovd 13 + Zavkhan 2)

-Repeating legal provisions (Khuvs gul 1 + Tuv 1 + Dundgovi 1)

-Problem solutions were not coherent (Khuvs gul 1)

-Theoretical lecture (Tuv 1 + Darkhan-Uul 1 + Sukhbaatar 2 + Arkhangai 1)

-Evidence part (Umnugovi 2 + Khovd 2)

b) Evaluation of Training on "Contract Law"

-There was no ineffective part (Selenge 8 + Orkhon 11 + Dornogovi 2 + Khuvs gul 3 + Uvs 9 + Uvurkhangai 10 + Khentii 10 + Govisumber 3 + Darkhan-Uul 9 + Dornod 9 + Dundgovi 8 + Umnugovi 5 + Sukhbaatar 5 + Arkhangai 7 + Bayan-Ulgii 6 + Bayankhongor 3 + Bulgan 6 + Govi-Altai 4 + Khovd 16 + Zavkhan 1)

c) Evaluation of Training on "Effective Communication in Court"

-There was no ineffective part (Selenge 7 + Orkhon 11 + Dornogovi 5 + Uvs 10 + Uvurkhangai 14 + Khuvs gul 9 + Khentii 9 + Tuv 6 + Darkhan-Uul 8 + Dornod 10 + Dundgovi 11 + Umnugovi 7 + Sukhbaatar 4 + Arkhangai 6 + Bayan-Ulgii 6 + Bayankhongor 4 + Bulgan 9 + Govi-Altai 3 + Khovd 15 + Zavkhan 1)

3) What suggestions do you have to make the training better in the future?

-To provide audiovisual aids, manuals and handouts (Selenge 3 + Orkhon 2 + Dornogovi 4 + Uvs 6 + Uvurkhangai 6 + Khentii 4 + Darkhan-Uul 4 + Dornod 1 + Dundgovi 5 + Umnugovi 3 + Sukhbaatar 2 + Bayan-Ulgii 7 + Bayankhongor 2 + Bulgan 9 + Govi-Altai 2 + Khovd 7)

-To conduct the training in Aimags again (Selenge 1 + Orkhon 5 + Dornogovi 4 + Uvurkhangai 2 + Khuvs gul 3 + Khentii 4 + Tuv 1 + Darkhan-Uul 3 + Dornod 2 + Govi-Altai 1 + Khovd 1)

-To develop hypotheticals based on cases resolved locally (Selenge 4 + Orkhon 2 + Dornogovi 3 + Tuv 4 + Arkhangai 1)

-To discuss the most common problems in life or problems (Khuvs gul 1 + Khentii 2 + Tuv 4 + Dornod 7 + Dundgovi 1 + Umnugovi 5 + Sukhbaatar 3 + Bayan-Ulgii 3 + Bayankhongor 1 + Bulgan 6 + Govi-Altai 1 + Khovd 3)

-To increase the duration of the training (Selenge 4 + Orkhon 4 + Uvurkhangai 4 + Khentii 3 + Tuv 2 + Dornod 2 + Umnugovi 1 + Arkhangai 3)

-To increase the usage of equipment (Selenge 1 + Uvs 2 + Khuvs gul 2 + Tuv 1 + Darkhan-Uul 2 + Dornod 5 + Sukhbaatar 2 + Arkhangai 1 + Bayankhongor 2 + Bulgan 4 + Govi-Altai 1 + Khovd 2 + Zavkhan 1)

-To use a test in the training (Selenge 1 + Orkhon 1 + Govi-Altai 1)

- To conduct the training more frequently (Selenge 3 + Orkhon 4 + Dornogovi 2 + Uvs 2 + Khuvsgul 2 + Tuv 1 + Dornod 2 + Sukhbaatar 3 + Arkhangai 3 + Bayan-Ulgii 2 + Govi-Altai 2 + Khovd 5)
- To involve a psychologist - teacher in teaching 3rd topic (Selenge 1 + Orkhon 1 + Sukhbaatar 1 + Khovd 2)
- To conduct trainings on other provisions of the Criminal Code and Criminal Procedure Code (Orkhon 3 + Dundgovi 4)
- To conduct training on adversarial processes in civil proceedings (Orkhon 1)
- To conduct trainings on 3rd topic regularly (Orkhon 5 + Tuv 2 + Darkhan-Uul 2 + Arkhangai 1 + Khovd 3)
- To increase the usage of video in training (Uvs 2 + Uvurkhangai 3 + Khentii 7 + Tuv 2 + Darkhan-Uul 2 + Dornod 5 + Dundgovi 2 + Umnugovi 4 + Sukhbaatar 5 + Bayan-Ulgii 1 + Bulgan 5 + Khovd 3)
- To involve other lawyers in the training on 3rd topic (Uvurkhangai 2 + Sukhbaatar 2 + Khovd 1)
- To transform lectures into tests or exercises (Khuvsgul 1 + Khentii 1 + Tuv 2 + Umnugovi 4 + Sukhbaatar 1 + Arkhangai 3 + Khovd 5)
- To involve inquiry officers and investigators in such training (Khuvsgul 2)
- The current form of training is fine (Khuvsgul 4 + Tuv 3 + Darkhan-Uul 4 + Dornod 1 + Umnugovi 4 + Khovd 2)
- To seek for ways to use the ideas put forward at the training in judicial practice (Khuvsgul 2)

C. Evaluation of Trainers

1) Summary of Evaluation of Trainers by Participants (by Aimags):

- | | | |
|----------------|---|--|
| 1. Govi-Altai | - | 3rd topic: teaching skills were good |
| 2. Govisumber | - | all topics: to pay attention to teaching methods |
| 3. Dornod | - | teaching methods were very effective |
| 4. Dundgovi | - | all topics: to pay attention to teaching methods.
2nd topic: to improve trainers' skills; the training preparation was not good |
| 5. Zavkhan | - | 1st topic: to improve trainers' skills; to develop speaking, persuading and conversational skills in trainers |
| 6. Uvurkhangai | - | all topics: good |
| 7. Orkhon | - | 2nd topic: to improve trainers' skill to conduct training |

- | | | |
|----------------|---|--|
| 8. Khuvsgul | - | 1st topic: if the trainer knows his/her training topic very well, then he/she will be confident and participants will be more active.
3rd topic: trainer taught his/her topic very well and skillfully |
| 9. Selenge | - | 2nd topic: trainer's preparation was not good; to pay attention to teaching methods |
| 10. Sukhbaatar | - | 3rd topic: teaching methods were very good |
| 11. Tuv | - | 2nd topic: trainer lacked skills, so the training was ineffective; trainer's basic knowledge on the topic was not good and the problem part was less effective. Trainer should teach his/her course as comprehensibly as possible. Trainer should prepare for the training well and learn teaching methods |
| 12. Uvs | - | all topics: good. |

Note: other Aimags did not give any comments on trainer.

2) Comments on Teaching Methods:

-To train trainers in different subjects (Khuvsgul 1)

-To conduct further retraining of trainers to make them more skilled (Dornod 1 + Dundgovi 3 + Umnugovi 1 + Sukhbaatar 4 + Arkhangai 2 + Bayankhongor 1 + Govi-Altai 1 + Khovd 2 + Zavkhan 1)

-To pay attention to the quality of training, to monitor and evaluate trainings and trainers need to remedy their faults (Sukhbaatar 1)

-Aimags trainers should be mentored by qualified and experienced trainers who wrote research works on certain topics. On the basis of this, participants will be able to make theoretical and practical judgments, to express their opinions, to argue and to evaluate training results (Bayankhongor 3)

NATIONAL CENTER FOR STATE COURT
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MONGOLIA JUDICIAL REFORM PROGRAM
May 24-26, 2005
Ulaanbaatar, Mongolia

Topic: How to teach legal ethics (ToT)
Trainer: Jack Marshall (President of ProEthics, Co Ltd. USA)

TRAINING EVALUATION SUMMARY

Participants' information: (total of 20 evaluation forms were filled)

_2__ Judges _7__ Prosecutors _6__ Advocates _5__ Others

_9__ Male _9__ Female _2__ Not answered

1	2	3	4	5
Poor	Fair	Average	Good	Excellent
Not at all	A little	Some	Regularly	Extensively

General Evaluation

	1	2	3	4	5	N/A	Average
Overall, I thought the course was				6	14		4.70
The usefulness of the handout materials during the course was			4	6	10		4.30
To what extent were the course objectives met?				6	14		4.70
To what extent will you be able to apply what you learned to your work?				5	15		4.75
To what extent did the course meet your expectations?				6	14		4.70

Subject 1: Using Unconventional Methods To Make Ethics Training Effective, Seven core elements to dynamic legal ethics training, Three circles, and hypotheticals and exercises

	1	2	3	4	5	N/A	Average
Overall, I thought this subject was				6	13	1	4.68
Information given during the program will come in handy in the future				3	17		4.85
Lessons that the trainer taught were clear and comprehensible				5	15		4.75
Audio-visual materials were comprehensible and clear		1	2	3	14		4.50
The usefulness of the handout materials was		1	2	4	13		4.45

Subject 2: How to create a hypothetical narrative with multiple choice questions and how to use hypotheticals in training

	1	2	3	4	5	N/A	Average
Overall, I thought this subject was				4	15	1	4.78
Information given during the program will come in handy in the future				5	15		4.75
Lessons that the trainer taught were clear and comprehensible				4	16		4.80
Audio-visual materials were comprehensible and clear			2	3	15		4.65

The usefulness of the handout materials was			2	3	15		4.65
---	--	--	---	---	----	--	------

Subject 3: Assignment, Presentation of hypotheticals, Coaching and Discussion

	1	2	3	4	5	N/A	Average
Overall, I thought this subject was				2	17	1	4.89
Information given during the program will come in handy in the future				4	16		4.80
Lessons that the trainer taught were clear and comprehensible				3	17		4.85
Audio-visual materials were comprehensible and clear		1	1	2	16		4.65
The usefulness of the handout materials was		1	2	1	16		4.60

A. What was the most effective and interesting part of the program? Why?

(Number of people who gave a certain response is in parenthesis)

- Every part of the training was effective and interesting [2]
- Exercises and hypotheticals; Creating, presenting and discussing hypotheticals by the participants was most interesting [9], hypotheticals are very useful for future trainings. Creating and solving hypotheticals are helpful learning to solve issues. Various ideas lead to the right solution.
- How to create hypothetical situations and multiple choice answers [2]. This part was extremely important for trainers and creating many hypotheticals would give much broader understanding of ethics [1]
- The most interesting part was when lawyers having open discussion and debate over the hypotheticals [1]
- Learned how to apply theory to practice [1]
- Assignment, presenting and discussing hypotheticals. Worked on the real life examples [1]
- The trainer was explaining hypotheticals and answers given by him and the participants [2]; participants were raising compelling issues [1]
- Using unconventional methods to make ethics training effective, Seven core elements to dynamic legal ethics training, Three circles, and hypotheticals and exercises were the most effective and interesting part of the program. The trainer used exceptional training methods but he does not really need to turn down using projector etc. yet they are effective in some way. [1]

B. What was the least effective and interesting part of the program? Why?

- There was no boring part [9]
- It seemed repetitive when there are many hypotheticals [1]
- Training seemed to drag on in the afternoon [1]
- During the first subject, the trainer diverged from the subject to teaching method and lost time, and sometimes made prolonged explanation for small examples. It seemed that the trainer did not consider participants' education level [1]
- Training was boring [1]
- Listening to and discuss other people's hypotheticals [1]

C. What suggestions do you have to make this program better in the future?

- Wasted too may time for translation because of language barrier. If JRP trainers were involved intensive English course in the U.S. trainings would be more effective and unconstrained. This is a recommendation from our table [1]
- No special recommendation. It works now [1]
- Involve more lawyers this training, they must attend this training [1]
- Hypotheticals compared U.S. social consciousness, legal system and lawyers' ethics should be close to Mongolian life. Hypotheticals should be compared and explained [1]
- The training went successful [1]
- Adapt hypotheticals with Mongolian situation. Trainer should teach how to solve issues comparing Mongolian and American lawyers ethics code [1]
- We need to have a consolidated ethics code. It is recommended to teach comparing Mongolian lawyers' ethics code to other developing countries' lawyers' ethics code and see if Mongolian codes need to be elaborated. I would like to hear about relation among advocates, how they communicate each other with respect and with ethic. Because Mongolian advocates always make ethical violations when they debate each other during trial and adversarial process [1]
- I remember that ethics training which was conducted in 2001 was more rich and had better method [1]
- Provide written handout materials by major issues of the lecture [1]
- Provide more detailed and comprehensive handouts. If you make translation with translation device you (earphone something) will not waste time [1]
- Provide trainers with more handout materials, need to conduct this training again [2]
- It was flawless training [1]
- It will be more compelling to make hyptheticals by fact [2]

Overall evaluation score

	Subject 1	Subject 2	Subject 3	Average
Overall, I thought this subject was	4.68	4.78	4.89	4.78
Information given during the program will come in handy in the future	4.85	4.75	4.80	4.80
Lessons that the trainer taught were clear and comprehensible	4.75	4.80	4.85	4.80
Audio-visual materials were comprehensible and clear	4.50	4.65	4.65	4.60
The usefulness of the handout materials was	4.45	4.65	4.60	4.56
				4.70

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May 27 and 30, 2005
Ulaanbaatar, Mongolia

Subject: Legal Ethics (advanced)
Trainer: Jack Marshall (President of ProEthics, Co Ltd. USA)

TRAINING EVALUATION SUMMARY

Participants' information (total of 27 evaluation forms filled):

5 Judges _9_ Prosecutors _3_ Advocates _7_ Notaries _3_ Other

5 Male _21_ Female _1_ Not answered

1	2	3	4	5
Poor	Fair	Average	Good	Excellent
Not at all	A little	Some	Regularly	Extensively

General Evaluation

	1	2	3	4	5	N/A	Average
Overall, I thought the course was				19	8		4.29
The usefulness of the handout materials during the course was	1			5	21		4.66
To what extent were the course objectives met?			1	12	14		4.48
To what extent will you be able to apply what you learned to your work?			1	13	13		4.44
To what extent did the course meet your expectations?			4	12	11		4.25

Subject 1: Exploring the Prime Directive, Three Circles; their exercises

	1	2	3	4	5	N/A	Average
Overall, I thought this subject was			1	9	16	1	4.57
Information given during the program will come in handy in the future			1	11	15		4.51
Lessons that the trainer taught were clear and comprehensible				12	14	1	4.53
Audio-visual materials were comprehensible and clear				7	20		4.74
The usefulness of the handout materials was				7	20		4.74

Subject 2: Bias, Rationalization; their exercises

	1	2	3	4	5	N/A	Average
Overall, I thought this subject was			1	12	13	1	4.46
Information given during the program will come in handy in the future			2	7	18		4.59
Lessons that the trainer taught were clear and comprehensible			1	11	14	1	4.50
Audio-visual materials were comprehensible and clear				11	16		4.59
The usefulness of the handout materials was			1	5	21		4.74

Subject 3: The toughest issues in Legal ethics; their exercises

	1	2	3	4	5	N/A	Average
Overall, I thought this subject was				12	13	2	4.52
Information given during the program will come in handy in the future			1	11	14	1	4.50
Lessons that the trainer taught were clear and comprehensible			1	10	14	2	4.52
Audio-visual materials were comprehensible and clear			1	7	18	1	4.65
The usefulness of the handout materials was			1	9	16	1	4.57

Subject 4: Ethics vs. Justice and Practicalities; their exercises

	1	2	3	4	5	N/A	Average
Overall, I thought this subject was				12	14	1	4.53
Information given during the program will come in handy in the future			1	13	13		4.44
Lessons that the trainer taught were clear and comprehensible				11	15	1	4.57
Audio-visual materials were comprehensible and clear				11	16		4.59
The usefulness of the handout materials was				10	17		4.62

Subject 5: Conflict of Interest and Appearance of Impropriety

	1	2	3	4	5	N/A	Average
Overall, I thought this subject was			1	9	16	1	4.57
Information given during the program will come in handy in the future				9	18		4.66
Lessons that the trainer taught were clear and comprehensible			1	5	20	1	4.73
Audio-visual materials were comprehensible and clear			1	4	22		4.77
The usefulness of the handout materials was			1	4	22		4.77

Subject 6: Legal ethics decision-making

	1	2	3	4	5	N/A	Average
Overall, I thought this subject was			2	7	15	3	4.54
Information given during the program will come in handy in the future			2	9	14	2	4.48
Lessons that the trainer taught were clear and comprehensible			2	8	14	3	4.50
Audio-visual materials were comprehensible and clear			1	9	15	2	4.56
The usefulness of the handout materials was			2	7	16	2	4.56

A. What was the most effective and interesting part of the program? Why?

(Number of people who gave a certain response is in parenthesis)

- Issues discussed at the program were interesting, comprehensive, and considered from all aspects. I was longing for such training. I am really grateful that I was involved Legal Ethics training for the first time [1].
- Exercises and hypotheticals were most interesting and effective [8]. Exercises had multiple-choice and multiple-pronged answers. Participants were able to debate over the possible

answers and then find right choice, moreover to correctly understand the true meanings of the subjects. [1]

- Rationalization, its exercises [5] because participants were able to see image and/or appearance of judges, prosecutors and advocates from this part. Lawyers always find rationalizations for their illegal decisions. There will be tangible result when lawyers understand what is rationalization.
- Ethics vs. Justice and Practicalities [2].
- Legal ethics decision-making was most interesting because I'm prosecutor [2]. I understood things that could not be noticed while practicing.
- Most interesting parts were three circles, rationalization and conflict of interest. So did other parts. This program raised many delicate issues and gave excellent ideas as well as theoretical and practical new motives of legal ethics [1].
- I liked the part that the Trainer was taking explanations on the hypotheticals and varying hypotheticals. Participants' active involvements were making the program more interesting. [1]
- The toughest issues in legal ethics [3]. The toughest issues were issues happen in real life and will come in handy to make decisions in the future. Exercises and texts were brainstorming. Never get bored or indolent.
- Ballot voting. [1]
- Ethics, justice and practicalities were most appealing topics that were discussed. The interactive course covering subjects from everyday life scenarios was also extremely useful for determination to adhere the conducts in their professional fields. [1]
- The most interesting part of the course was exercise part. Exercises were practical and could happen in life which received considerable amount of attention from the participants. The program was fascinating because of the right topic. [1]
- All parts were interesting. All parts required lawyers to think in a new and correct manner. It was good training for not to make wrong and unethical decisions. [1]
- The ethical dilemmas section was challenging in a way that the legal professionals always encounter difficult situations where they need to consider all aspects of the issues which in turn help them to improve their knowledge and skills at all times. Thanks for the trainer and interpreter. [1]
- Exploring Prime Directive, Three circles [1]

B. What was the least effective and interesting part of the program? Why?

- There was no interesting part. [15]
- Overall, the program was interesting [2], it was getting more and more interesting and arousing people's interest when listens to more.
- Justice and Practicalities was least interesting because exercises were too abstract [1]
- Conflict of interest and appearance of impropriety was least interesting because it was incomprehensible and ambiguous. [1]
- The short period just after lunch break was ineffective, maybe it's related to participants' physiology. [1]
- Prime Directive and theories [1]
- Ethics Conduct [1]
- Sometimes working out on exercises was long-winded process. There was occasional prolixity rather than telling which the right answer was. [1]
- Multiple-choice answers. Sometimes it goes to the next subject when right and wrong haven't distinguished. [1]

C. What suggestions do you have to make this program better in the future?

- Synchronized translation wastes a lot of time. Trainings will be more efficient and saves a lot of time if translation is solved [1].
- To involve all lawyers in training [2], at least once a year, put forward certain issues and let participants decide [1].
- For countryside legal professionals, it is more suitable to send Mongolian case studies for discussion. [1]
- It is requested to conduct more and more trainings in the future. Training form/structure was excellent, organization/logistics was superb, and handout materials were outstanding [1].
- Improve translator's competence and skill [2].
- The program went fair. Lawyers' ethics need to be recharged from time to time. Lawyers may forget what they learned from the program after the training; therefore, it is needed to lecture them again and again to change their viewpoint. Thank you [1].
- I have no special suggestion; I liked the teaching method [1].
- I have a suggestion to have Mr. Jack Marshall teach advanced courses again [1].
- Organize trainings regularly, on certain time line, and with succession [1].
- Conduct ethics training once a quarter in provinces [1].
- It might be effective to interact with one another rather than listen to the lecturer. [1]
- The last day of the training was effective in comparison to the first day of the course. On the first day, the participants received very basics of the subject and information, in another word, first day was fairly informative. It should be noted that individual based belief related issues and dilemmas were discussed but not ways to solve ethical dilemmas. It is also suggested that additional training on the U.S. process laws would be helpful and case studies should be well developed in order to enhance complete understanding of the topics. For instance, answers for case studies would have been better suited if they were not responded in terms of only ethics. [1]
- All lawyers specially, senior managers and young lawyers should be involved this training. Learned a lot of things. Thank you. The program was interesting [1]
- For future references, the participants would be very happy to receive more detailed training on ethical dilemmas that they encounter on daily basis. For example, fight against corruption and terrorism worldwide would be extremely helpful. Thank you [1]
- Translation was wordy and wasted lots of time. In the future, it is recommended to have a good translator who knows legal terms [2] and can get to the heart of subject and can translate faster. Training interpreter must be very good. Trainer's emotion should be conveyed and what trainer said should be translated [1].
- Theory of rights should be covered in more depth; comparing existing laws and regulations only seem to be less effective. In addition, it would be helpful to discuss similarities and differences between two country's ethical concepts and policies. The rest of the subjects are fully met the expectations. [1]
- We would be very happy to receive such training on continued basis. [1]
- The case studies and examples used in the course should be in line with Mongolia's practical life. [1]
- Dividing attendees in groups and having presentations in front of the class might be effective. When working on the hypotheticals, it would be useful to compare them to laws of Mongolia. Overall, this course served its objectives and was very effective. We would like to suggest that the coverage of the training should not be limited to the participants only; this ethics training should be passed to more people. [1]

- The time frame of the training perhaps needs to be considered in the future. Moreover, continues training meets our demand to obtain latest knowledge and information which are very helpful for us. Wish you success for your future work [1].

Overall evaluation score

	Subj 1	Subj 2	Subj 3	Subj 4	Subj 5	Subj 6	Average
Overall, I thought this subject was	4.57	4.46	4.52	4.53	4.57	4.54	4.53
Information given during the program will come in handy in the future	4.51	4.59	4.50	4.44	4.66	4.48	4.53
Lessons that the trainer taught were clear and comprehensible	4.53	4.50	4.52	4.57	4.73	4.50	4.55
Audio-visual materials were comprehensible and clear	4.74	4.59	4.65	4.59	4.77	4.56	4.65
The usefulness of the handout materials was	4.74	4.74	4.57	4.62	4.77	4.56	4.66
							4.58

INTRODUCTION

Re: Second proposal for amendments to the Criminal Procedure Code (CPC) on arrest and detention procedures

In January 2004, the working group developed recommendations for amendments to the CPC on arrest and detention provisions and submitted to the relevant MoJHA official. In addition, the working group provided the Supreme Court with suggestions and drafting assistance for its interpretation of the grounds for arrest in “urgent circumstances.” The Supreme Court accepted the JRP suggestions aimed at assuring that the recommendations met internationally recognized human rights standards and reflected them in the adopted version.

The development of the joint regulation and the manual was delayed due to the fact that the group had to decide whether the joint regulation/manual should be developed within the framework of the existing legislation or compliant to the MoJHA draft amendments to the CPC circulated in November 2004. However, the group completed the draft joint regulation and, after reviewing the MoJHA’s draft proposal for amendments to the CPC, developed a second set of recommendations reflecting JRP recommendations and those of the symposium on adversarial principles that relate to arrest and detention procedures and submitted them to the MoJHA drafting group in March 2005.

The recommendations were made with regard to:

Articles 59.1 and 68.3 of the CPC provide that inquirers/investigators should draw up a decree for arresting/detaining a suspect/accused and submit it to a prosecutor and the prosecutor should submit it to court for approval. International treaties, the Law on Courts and the CPC of Mongolia provide that in criminal proceedings courts issue resolutions/decisions and judges issue decrees/orders. Thus the relevant provisions should be amended that judges in issuing warrants should draw up a decree/order as a separate court document. Furthermore, in compliance with the international standards (e.g. American and German laws contain provisions requiring substantiation of court decisions that are vital for ensuring human rights) judges should make well-substantiated decisions and make those decisions on their own discretion, and not just approve or disapprove by signing the inquirer’s/investigator’s decree. This will enhance the liability of the judge’s decision and is a considerable aspect for proper implementation of the law and human rights protection as well.

In accordance with the abovementioned we propose following changes underlined in the text:

- 59.1. *An inquirer/investigator shall be obliged to draw up a decree of arresting a person suspected of committing a crime, and shall deliver it to a prosecutor and the prosecutor shall submit it to court for approval.*
- 59.1. ***An inquirer/investigator shall be obliged to draw up a decree of arresting a person suspected of committing a crime, and shall deliver it to a prosecutor and the prosecutor shall submit it to a judge. A judge shall immediately draw up a decree/order to arrest or not.***
- 68.3. *If considered inevitable to confine under guard, an inquirer/investigator shall draw up a decree specifying the grounds and present it to a prosecutor and the prosecutor shall present it to court for approval.*
- 68.3. ***If there are grounds and/or necessity to confine under guard, an inquirer/investigator shall draw a decree specifying the grounds and present it to a prosecutor and the prosecutor shall present it to a judge. A judge shall immediately draw up a decree/order to confine under guard or not.***

- 69.6 *Judge shall review the proposal to extend period of confinement under guard within 72 hours and shall sanction or refuse the proposal.*
- 69.6. *Judge shall review the proposal to extend period of confinement under guard within 24 hours and shall draw up a decree/order to extend or refuse the extension.***
- 70.2. *The cancellation or change of measures of restraint shall be resolved with the proposition of an inquirer/investigator only by a decree of the prosecutor who has made the decision or the prosecutor of higher instance authorized to supervise activities of the inquirer/investigator, or by a judge approval or if the case is referred to a court, by a court order, or a judge's decree.*
- 70.2. *The cancellation or change of measures of restraint shall be resolved with the proposition of an inquirer/investigator only by a decree of the prosecutor who has made the decision or the prosecutor of higher instance authorized to supervise activities of the inquirer/investigator, or by a judge's decree/order or if the case is referred to a court, by a court decision or a judge's decree/order.***

We also recommend amendments ensuring that a simplified hearing with the participation of both parties is conducted in issuing an arrest warrant in compliance with the International Covenant on Civil and Political Rights which Mongolia is party to. Article 9, Section 3 of the Covenant states that "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release." and Article 9, Section 4 of the covenant states that "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.". This gives an opportunity for the court to clarify the accusations, and for the suspect and/or the defense attorney to provide clarifications and/or to appeal against the court's decision.

Also we propose a regulation giving a judge the right to review the detention on his own discretion or at the request of the suspect/accused and/or his/her advocate, or at least the following provision that gives the judge the authority to decide:

- 70.4. *The cancellation or change of confinement procedure shall be decided by a judge upon proposal by the prosecutor supervising the case. If the case is referred to a court, by a decree of court, or a judge's order.***

In addition, amendments should be made to reduce the maximum term for pre-trial detention. So, the total time for "investigation with confinement" for less serious crimes shall not exceed 6 months, for serious crimes - 12 months and for grave crimes - 18 months, with the total not to exceed 18 months. The current provisions do not specify the maximum days for extension. We propose that the extension should be no longer than 30 days.

- 69.3. *If there is inevitable necessity to investigate the case while confining the accused by reason of the special complexity of the case of less grave, grave, specially grave crimes committed by accused, the period may prolonged by court, but total period of investigation with confinement shall not exceed 24 months.*
- 69.3. *If there are grounds and/or necessity to investigate the case while confining the accused by reason of the special complexity of the case a judge may prolong the period of investigation with confinement for no longer than 30 days on each occasion. The total period of investigation with confinement shall not exceed 6 months for less serious crime, 12 months for serious crime and 18 months for grave crimes.***

Furthermore, according to Article 215.1 stating that “A prosecutor shall be obliged, within 14 days, to review/supervise a case for which inquiry/investigation has been completed and if necessary a higher instance prosecutor may extend this period for up to 14 days” and Article 215.3 stating that “The term for issuing an indictment shall be 10 days. A higher instance prosecutor may extend this term for 14 days” a prosecutor could spend on reviewing/supervising and issuing an indictment in maximum 52 days. The current provision extends the time during which a person could be held in pre-trial detention for another 52 days. Thus amendments to reduce the term of 52 days for issuing an indictment are also required.

We propose to change the word “court” in Article 69.4 of the CPC by “judge” with the purpose to emphasize the judge’s role and responsibility.

69.4. If it is considered necessary to confine accused for crimes provided for by Articles 81.2 (Assault to life and body of prominent political and social figure), 84 (Sabotage), 91.2 (Murder in grave circumstances with intention), 177.2 (Banditism in extremely grave circumstances) and 302 (Genocide) of the Criminal Law for longer period than specified in Article 69.3. of this law the period of confinement under guard may be extended by the judge for up to six months additionally.

We recommend the following changes to the law in order to prevent attempts to escape from inquiry/investigation or court proceedings:

68.2. *If following circumstances exist, suspects, accused and defendants involved in less grave crimes may be confined under guard:*

68.2.1. *they have violated previously taken measures of restraint;*

68.2.2. *they may escape or have escaped from inquiry/investigation, prosecution or court.*

68.2.2. *they have attempted to escape or have escaped from inquiry/investigation, prosecution or court.*

A subsequent issue for the law amendments is the time limit for considering a person as a suspect. Specifically, a regulation is required when a case has been suspended. In practice a person remains regarded as a suspect though the case has been suspended for years. There arises the issue of human rights and freedom violation and potential injury to reputation. Providing of statutory limit on the ability to consider someone a suspect is essential.

In addition, the decree/order should include notes on previous measures of restraint applied to a suspect, accused or defendant when a case has been suspended or terminated or transferred to another jurisdiction. Some measures of restraint are still in process even when a case has been decided. For that reason we propose the statutory regulation to include notes on previous measures of restraint in each resolution/order related to a case.

Three. Amendments with regard to the right to defense

Within the framework of international treaties on criminal proceedings, the protection of human rights starts from the moment when a person is brought to the attention of the police. According to Article 38.3 of the CPC a defense attorney is allowed to participate in criminal proceedings as soon as a person is considered a suspect. Article 35.2.7 states that a suspect shall have the right to defend him/herself and/or to have an attorney. Withholding this right is an indication of a human rights violation as in practice the inquirers/investigators fail to inform the person of this right. Article 187.1 provides that inquirers/investigators shall have the duty to explain the rights and duties of suspects/accused and provide the conditions for exercising their rights as a general condition for conducting inquiry/investigation. Therefore, we propose an amendment to the CPC

stating that the right to defense in criminal proceedings should start from the moment when someone is brought to police and that provision of Article 187.1 be included in Article 28.2 as a direct duty of an inquirer/investigator. This will make mandatory for the police to inform the person of his rights and an important contribution to ensuring the protection of human rights.

Working group

**Lawyer Qualification Examination Study Tour
February 2005
Summary Report**

The study tour was held in February for B. Tserendorj, State Secretary, Ministry of Justice and Home Affairs, Ayush Oyunchemig, President of the Mongolian Notary Chamber, (both members of the Non-Staff Committee for the Judicial Qualification Exam), D. Gerelchuluun, the Senior Specialist in the Ministry of Justice and Home Affairs responsible for implementing the exam and T. Medsaikhan, the Director at the National Legal Center most responsible for exam procedures. They were accompanied by Robert La Mont, Chief of Party of the Judicial Reform Project and N. Byambasuren, program coordinator.

The study tour was intended to give the participants both a theoretical and practical appreciation of the issues involved in qualification testing of lawyers. For this reason, the group met with those who design tests and discussed at length concerns about the design of Mongolia's Lawyer Qualification Examination. The group also watched the Administration of bar examinations in two states and was able to question those who administered the bar exam at length about procedures used in the testing environment, particularly security and fairness.

Arriving in Madison Wisconsin, the group went to the Chambers of the Wisconsin Supreme Court and witnessed the swearing in of new attorneys. After the ceremony, the Chief Justice of the Wisconsin Supreme Court, Shirley Abrahamson, explained to the group the role of the Supreme Court in Bar Admissions. She answered questions and introduced the group to the other justice.

The group next went to the National Conference of Bar Examiners; a national not for profit group which was founded to ensure the highest standards in lawyer qualification examinations. They produce the "Multi-state" exam, which is used by almost every US jurisdiction as part of its bar qualification procedures. They also produce the Ethics examination, also universally used and an essay examination which is used by less than half the jurisdictions. An entire day was spent speaking with all staff involved in designing tests. They explained test design science, grading procedures, statistically "normalizing" scores and other test related subjects. At the invitation of the chief of testing, the discussions were continued at her home on Saturday.

Next the group met with the Director of the Wisconsin Board of Bar Examiners and learned how he prepared the admissions test. Wisconsin writes its own essay examination and in many ways, the small scale of the Wisconsin test was more relevant to the Mongolian group. The group witnessed the orientation of the Wisconsin Bar Examination takers and the start of the bar examination, including interviewing the monitors and observing all the security procedures. The group then flew to Chicago and was briefed by the Illinois Board of Bar Examiners and witnessed the beginning of the Illinois Bar Exam. The Chicago exam has over a thousand test takers and the security arrangements were interesting for the Mongolians who had about 2,000 applicants last year. Finally the group met with the American Bar Association Section on Legal Education and Admission to the Bar.

All of the organizations provided voluminous materials including sample registration packets, past exams, graders' guides and organization descriptions to the group. The relevant portions are being translated. The group intends to produce a report by the end of March and request changes to legislation in April to make the Mongolian Bar Exam more fair, transparent and secure.

This was a very serious group and they got an enormous amount out of there study tour.

After the group returned to Mongolia on February 27, the JRP Training Program Coordinator visited The National Judicial Education Program (NJEP), which is a project of Legal Momentum in cooperation with the National Association of Women Judges. NJEP conducts trainings and develops model curricula and videos on gender bias in the courts for diverse audiences. Through their work with judges, lawyers, bar associations, prosecutors, probation officers, sexual assault coalitions, victim advocates and others, NJEP has increased awareness about the ways that gender bias undermines fairness in decision making and court interactions. NJEP programs help judges, lawyers and others understand how stereotypes, myths and biases about the nature and roles of women and men affect fact finding, decision making, sentencing, communication, and courtroom behavior.

The JRP Training Program Coordinator met with the Lynn Hecht Schafran, Senior Vice President and Director, and Maya Raghu, Staff Attorney of Legal Momentum. Ms. Schafran talked about courses for lawyers on elimination of domestic violence and was very interested in the Law Against Domestic Violence of Mongolia and requested the English translation. She also recommended Marjory D. Fields who is a retired New York State Judge continuing his 35 years work on judicial reform, domestic violence and rape and has done much drafting of domestic violence and rape laws. Ms. Juliana Grant, Director of Safe Horizon was invited to the meeting and made a presentation on her organization. Safe Horizon is the nation's leading victims' assistance organization that prevents violence, promotes justice and provides support for victims of crime and abuse, their families and communities.

The next institution the JRP Training Program Coordinator visited is The American Law Institute (ALI-ABA) and met with Richard E. Carter, Executive Director and Kathleen H. Lawner, Director, Office of Professional Relations & Marketing. They provided information on development of professional skills courses, how they keep maximum retention, how they attract lawyers to their courses and about distance learning.

Finally, the JRP Program Coordinator met with Honorable Gene D. Cohen who is an internationally renowned judicial educator. Judge Cohen is a member of the Philadelphia Bar Association, a board member of The Lawyer's Club of Philadelphia. He recently earned a master of Judicial Studies degree from the University of Nevada and was certified in Mediation Training from the National Judicial College in 2002. He is a faculty member and presenter for a myriad of legal, educational and professional organizations having taught courses for the National Judicial College and acting as principal faculty member in the history of law and in Judicial Decision Making courses across the country.

Judge Cohen expressed his interest in teaching Judicial Decision Making for Mongolian judges. It is a 35-hour or 5-day interactive course taught with one psychologist, one appellate judge and one law professor for not more than 30 participants at a time. The overview of the course is as follows:

1. Theory of decision making (15-20 min)
2. Psychology; personality evaluation
3. Timeliness/efficiency of decision making
4. Problems of credibility
5. Exercising; what is judicial discretion?
6. Conflicts of interest, ethical dilemmas
7. Stress management
8. Communicating decisions; decision writing; decision release
9. Case study; hypothetical situations; decision writing and verdict

List of materials **Legal Momentum** contributed to the Mongolia Judicial Reform Project:

1. Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases, A Self-Directed Video Curriculum, Second Edition (with 3 video tapes)
2. Gender, Justice and Law: From Asylum to Zygotes, Issues and Resources for Judicial, Legal and Continuing Legal Education
3. The Gender Fairness Strategies Project: Implementation Resource Directory
4. The Impact of Violence in the Lives of Working Women: Creating Solutions – Creating Change
5. The Judges Journal, Hidden Biases & Judicial Rulings: The Dark Side of the Law Examined. Eve, Mary, Superwoman: How Stereotypes About Women Influence Judges, Article
6. Gender Equality in the Courts: Still on the Judicial Agenda, Article
7. Overwhelming Evidence: Reports on Gender Bias in the Courts, Article
8. Is the Law Male?, Article
9. Maiming The Soul: Judges, Sentencing and Myth Of the Nonviolent Rapist, Article
10. Albany law Review: There's No Accounting For Judges, Article
11. Massachusetts Law Review: Carol Stuart and The War on Women: What Is the Legal Community's Response? Article
12. Judicature: Adjudicating Allegations of Child Sexual Abuse When Custody is in Dispute, Article
13. St. John's Law Review: Women in the Criminal Justice System: Writing and Reading About Rape: A Primer, Article
14. Employment Rights for Survivors of Abuse. Legal Counseling & Advocacy, Public Education & Awareness, Technical Assistance & Training, Brochure
15. Small Business Initiative on Domestic Violence: The Myths & Facts, Brochure
16. Domestic Violence & Work: Referral Checklist
17. Domestic Violence & Work: Reference Guide
18. Safety Planning in the Workplace: Protecting Yourself and Your Job
19. Discrimination Against Victims of Domestic and Sexual Violence
20. Time Off From Work for Victims of Domestic and Sexual Violence
21. Housing Laws Protecting Victims of Domestic and Sexual Violence

22. Employment Rights and Benefits for Survivors of Domestic and Sexual Violence in NY City
23. Welfare-to-Work Programs in New York
24. Generic Domestic Violence Workplace Policy Sample
25. Presenting Medical Evidence in an Adult Rape Trial (introduction of a new video resource)
26. Understanding Sexual Violence: Prosecuting Adult Rape and Sexual Assault Cases (introduction of a model four-day curriculum)
27. Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Cases, 2 DVDs
28. Understanding Sexual Violence: Prosecuting Adult Rape and Sexual Assault Cases. Volume 1: Presenting Medical Evidence in an Adult Rape Trial, a video tape

List of materials **ALI-ABA** contributed to the Mongolia Judicial Reform Project:

1. ALI-ABA, Magazine
2. The Practical Lawyer, Magazine
3. CLE Review, newspaper
4. Teaching for Better Learning: Adult Education in CLE
5. Fogerty&James, P.C. v. Portex Communications, Inc. Deposition Skills Case File – Plaintiff's Material
6. 2005 ALI-ABA Curriculum, Brochure
7. Professional Skills Program: Making Evidence Your Ally: Navigating the Federal Rules of Evidence, Brochure
8. Professional Skills Course: Breakthrough Negotiations, Techniques fro Lawyers, Brochure
9. Professional Skills Course: Anatomy of Persuasion: Techniques for Experienced Litigators, Brochure
10. Professional Skills Course: Commanding Presence: Advanced Communication and Presentation Skills for Lawyers, Brochure
11. Professional Skills Program: Effective Legal Negotiation and Settlement, How to Succeed in Negotiating Better Settlement, Brochure
12. Professional Skills Program: Writing to Persuade, Brochure
13. Professional Skills Program: Advanced Writing and Editing for Lawyers, How to be a Better Legal Writer and Editor, Brochure
14. Professional Skills Program: Deposing Witnesses for Trial, Brochure

15. Professional Skills Program: Public Speaking for Lawyers, Brochure

16. Annual ALI-ABA Course of Study: Basic Estate and Gift Taxation and Planning, Brochure

Draft Translated on 27.04.2005

LAW OF MONGOLIA

Date: ..., 2005

Ulaanbaatar city

AMENDMENTS TO THE LAW ON SELECTION OF LAWYERS

Article 1. Add the following articles, sections and paragraphs with the following contents to the Law on Selection of Lawyers:

- 1) Paragraph 4, Section 3, Article 13:
“13.3.4. personal identification documents,”

- 2) Sections 4 and 5, Article 13::

“13.4. Copies of the documents specified in Paragraphs 3.1 and 3.2 of this Article shall be certified by notary.

13.5. The Council shall adopt the design of the personal identification document and instructions to fill such document specified in Paragraph 3.4 of this Article.”

- 3) Article 16¹:

“Invalidation of certificate”

16¹.1. Member of Cabinet in charge of justice shall invalidate the certificate on the basis of the Council's opinion for the following reasons:

16¹.1.1. If the documents submitted by the applicant as per specified in Section 3 of Article 13 of the law are found forged after he/she passed the selection exams.

16¹.1.2. If the applicant failed to attend continuing legal education courses two or more times without a good reason or failed to satisfy the training credits two or more times;

16.1.3. If the applicant committed ethical violations time and again (two or more times).

Article 2. Rephrase 6.1.5, 6.1.7, 6.1.8, 8.2, 8.3, 9.1, 9.3, 9.4, 13.3, 20.1, 20.3 of the Law on Selection of Lawyers as follows:

- 1) Paragraph 5 of Section 1 of Article 6:

“6.1.5. To establish the procedures to review and grade structure of the selection assignments and performance of such assignments and to publicize the exam results on the basis of opinions of the Examination Committee;”

- 2) Paragraph 7 of Section 1 of Article 6:

“6.1.7. To establish the amount of compensations to be paid to the members of the council and examination committee, selection task developers, and proctors and the procedures

for payment of such compensations;”

3) Paragraph 8 of Section 1 of Article 6:

“6.1.8. To review and resolve appeals against the Committee’s decisions resolving complaints related to administration of selection,”

4) Section 2 of Article 8:

“8.2. The Committee shall appoint selection task developers, graders and proctors for each selection and the list of task developers and graders shall be corporate confidential information until the consolidated exam results are publicized and the list of proctors shall be corporate confidential information until the date and time of selection.”

5) Section 3 of Article 8:

“8.3. The Committee shall perform the following functions under the procedures adopted by the Council:

8.3.1. To organize development of selection tasks (questions and keys) along with methodology to review and grade performance of the tasks;

8.3.2. To develop a list of materials to be used in preparation for the selection and to organize training and promotion related to preparation for selection;

8.3.3. To administer selection exams on site, to appoint proctors, and to monitor their performance;

8.3.4. To let graders review and grade selection task performance;

8.3.5. To provide graders with methodological guidance and to monitor grader’s performance;

8.3.6. To consolidate and submit exam results to the Council;

8.3.7. To review and resolve complaints related to review and grading of task performance;

6) Section 1 of Article 9:

9.1. Selection exam (hereinafter to be referred to as “exam”) shall be in the form of multiple choice answers or problems

7) Section 3 of Article 9:

9.3. If an applicant gets 60 or more percents of total scores of the test, he/she shall be entitled to take the problem solving exam. If an applicant gets 70 or more percents of total scores of test and problem solving exam, he/she shall be considered as passing the exam.

8) Section 4 of Article 9:

9.4. The consolidated exam results shall be publicized through a national daily newspaper by numbers assigned by the Council.

9) Section 3 of Article 13:

13.3. The following documents shall be attached to an application for selection:

10) Section 1 of Article 20:

20.1. An applicant shall make his/her complaint on administration of selection in writing within 3 days after he/she takes the exam and his/her complaint on review and grading of task performance in writing within 14 days after the consolidated exam results are published in newspaper.

11) Section 3 of Article 20:

20.3. If a complainant does not agree with the decision of the Committee, he/she may lodge a complaint on administration of selection to the Council and a complaint on review and grading of task performance to the court within 7 days after the Committee's decision is issued.

Article 3. Change "shall comprise of the legal professionals" to "shall comprise of 7 members, including the legal professionals" in Section 8.1; "related to the selection processes" to "related to the administration of selection" in Section 8.5; "The Committee members" to "The Council and Committee members, task developers, graders, and proctors" in Section 8.6; "at least 45 days" to "at least 75 days" in Section 10.4; "Council" to "Committee" in Section 11.1; "7 working days" to "one month" in Section 13.2; "Council" to "Committee" in Section 20.2.

Article 4. Omit the phrase "or refuse" from Paragraph 6.1.4 of the Law on Selection of Lawyers.

Article 5. This law shall come into effect on, 2005.

SIGNATURE

Report of Mongolia Judicial Reform Project
on the
2005 Lawyer Qualification Examination
July 22-24, 2005

Background:

The Strategic Plan for the Mongolian Justice System has set a goal to create a uniform mechanism for qualifying legal professionals (Strategic Principle 2.5), specifically to develop a bar system for qualifying legal professionals (Strategic Principle 2.5.2.). Helping Mongolia improve its system for the qualification of lawyers has been a priority task for the Mongolia Judicial Reform Project (JRP) since its initiation. In May 2003 legislation was passed setting up the requirements and procedures for this exam. In 2004, the JRP assisted the Non-Staff Council which was responsible for implementation and the NLC which carried out work, with the implementation of this law by donating technical assistance, financial assistance, grading machines, computer forms and other items. The JRP also observed the administration of the first Lawyer Qualification Examination. (See "Mongolia Lawyer Qualification Examination, January 30-February 2, 2004, The Mongolia Judicial Reform Program, Report and Recommendations", Exhibit A).

In February 2005, the JRP took members of the Non-Staff Council and NLC representative on a study tour which visited the National Conference of Bar Examiners in Madison Wisconsin and observed the administration of Bar Examinations in Wisconsin and Illinois. Much useful information was learned and the participants produced a report and action plan (See __, Exhibit B). The action plan contemplated legislative changes, but the Ikh Khural was not able to pass these proposed amendments in its spring session. The second Lawyer Qualification Examination was held as scheduled on July 22-24 under the existing legislation, but many changes were made as a result of the action plan that made the 2005 exam a success and addressed problems in the 2004 exam. The most important of these changes were the creation of two versions of the multiple choice exam, so that examinees could not copy from the person sitting next to them and the introduction of essay questions in the examination and the reduction of the interview to a short pro forma format.

At the meeting of the Non-Staff Council of August 5th the NLC reported that 3,215 people registered for the examination, 3,042 people came to the test sites, 3,025 people took the test, 2,357 people were interviewed and 571 people passed the test in 2005. The people who came to the test site but did not take the test either arrived late or with improper identification. (However the final report of the Examination Committee indicates that 3,042 people took the exam though the Committee examined 9,075 essay booklets, three booklets per examinee indicating that only 3,025 took the essay portion of the examination).

Almost 19% of the people who sat for the exam passed it. This relatively low pass rate suggests that the exam was not subject to cheating and that Mongolian Law Schools are not doing enough to prepare their students to practice law. The question of whether the exam was unnecessarily difficult to identify those who have the knowledge necessary to practice law competently can only be addressed by further study and is discussed in the recommendation section.

Preparation for the 2005 Examination:

The JRP was asked to finance the announcements for the examination and paid for newspaper, TV and radio announcements. The JRP verified the availability of the grading machines. In 2004, the JRP had retained title to the machines, but given custody to the NLC pending a written

agreement between the Non-Staff Council and the NLC. The JRP discovered that the NLC did not think it had the software to run the high speed machine. The JRP's examination revealed that the software did exist, but that the NLC was not familiar with it. The JRP hired a software engineer to study the software, make modifications and teach the NLC staff how to use it. Because this was done in the weeks before the exam, the NLC elected not to use this machine. The high speed machine does not print the score on the answer sheet, but creates an electronic database and can be connected to a printer which will print out all score information. This was to become a critical issue in the grading of the 2005 multiple choice portion of the examination.

Observations of Examination:

The JRP had observers at 4 tests sites, Otgontenger University, the Police Academy, Ikh Zasag University and Erdenet. The Chief of Party accompanied members of the Non-Staff Council to review all sites in Ulaanbaatar during the course of the examination. In general the observation reflected significant and important improvements over the 2004 examination.

A system of random seating assignment was enforced at most examination centers. This meant that people could not sit with friends and as a result, talking during the examination was much less than last year. The use of two versions of the multiple choice examination seemed to have eliminated the problem of people copying from their neighbor. (Random seating probably also contributed to the elimination of this problem because people were no longer able to sit next to someone they knew to be better prepared than they were). People who arrived late were excluded from the test sites. The general atmosphere in the examination rooms was quiet and serious and conditions were generally good for taking the examination. The JRP's general conclusion is that the examination process was a success.

A few problems were noted: At some sites registration was not well organized, people without proper identification were allowed to take the examination, people used their cell phones and at Ikh Zasag people were not required to sit in the randomly assigned seats. Furthermore, there were errors in the text of one of the multiple choice questions (Version B, Question 14).

How to fill out the multiple choice forms was not uniformly explained and some people made two marks on either side of the number for the answer while other people correctly put a line all the way across the number. Perhaps because of this, some people kept writing, trying to correctly fill in their marks on the answer sheets after the end of the multiple choice examination was announced. During the break between the multiple question portion of the exam and the essay question, different instructions were given at different test sites about how long the break would last and whether examinees could leave.

Some people were not allowed to take the essay portion of the examination because they arrived back from the examination late. Some applicants were very critical about the essay part. They feared that there were no pre-approved correct answers, and the examiners would have unlimited discretion to decide whether the answer is correct or not. They also complained that they were not advised that the answers would be graded based on their ability to provide well substantiated grounds. This indicates that more public confidence in the exam process is needed, and the grading system for the essay examination needs to be publicized. In addition, the law schools need to do more to teach essay writing.

The Recount:

Because the small grading machines were used, the answer sheets were fed through the machines by hand and then the number printed on the answer sheet was read to the person at the computer who entered the score next to the identification number. After the machine reading of

the answer sheets, they were compared against a print out of the scores entered and the testing staff signed a protocol. The staff from each test site entered the scores from their test sites. This opened the possibility to some manipulation.

During the grading for one test site, the person feeding the answer sheets from one test site was observed by a JRP observer to apparently take a small piece of paper from his pocket with numbers on it and to set aside a couple of answer sheets during the grading. He then instructed the person at the computer to enter scores which differed from those on the answer sheets. Because of this apparent violation the JRP requested a review of the multiple choice scores recorded against the answer sheets. This was conducted, again with JRP observation. The recount yielded interesting results. During the observation the JRP recorded 95 mistakes. This is a small number in light of the 3,025 people who took the test, but no errors should be allowed. The pattern of the erroneous scores was not random, suggesting that "honest" error accounted for only a small number. 6 mistakes were related to the registration number. Of the rest, in 18 the recorded score was lower than the actual score. In 69 the recorded score was higher than the actual score. One answer sheet was missing and one had the ID number on the back side of the answer sheet. If the errors were innocent random events, the number of lower score should have been about the same as the number of higher scores. The rural test sites had only a few errors. There were in total 10 test sites in Ulaanbaatar, three test sites had only 3 errors. One test site had 4 errors. Six test sites with 7, 8, 10, 12, 17 and 17 errors accounted for the majority of the erroneous scores. If the erroneous scores had been innocent random events, one would expect that the number of errors would be about the same as the number of test takers at each site was about the same. The distribution suggests that 3 or 4 errors would be the expected random error rate, given that almost half the test sites had errors in that range.

The Non-Staff Council was advised of the JRP's observations. The Examination Committee's initial report on the recount said that there were 82 errors, in 14 the recorded score was lower than the actual score and in 68 the recorded score was higher than the actual score.

The Non-Staff Committee assigned N. Ganbayar, Member of the Non-Staff Committee, B. Balgan, Secretary of the Non-Staff Committee, and L. Narantuya, support staff, to inspect the inconsistency in the results of the Examination Committee and of observers. The inspection was conducted on August 12, 2005 and issued its conclusions. The findings of the Examination Committee were slightly inconsistent with the recorded observation of the JRP at the recount¹. Based on the conclusions of the inspection the Non-Staff Committee issued a decision to disqualify 9 applicants² and the total number of applicants who passed the examination was reduced to 562. The Non-Staff Committee decided not to correct the remaining raised scores as the respective applicants failed to pass the examination in any case.

Recommendations:

The examination should be strictly monitored to preserve the fairness of the examination process and avoid any appearance of impropriety. For that purpose a written procedure for independent observers should be developed, all examiners should be required to sign conflict of interest policy and a disciplinary process for any examiner who violates any procedure or does anything which gives the impression of unequal treatment for any reason should be instituted. Furthermore, the Council should give everybody involved in the administration of the examination a pre-exam orientation, explaining the gravity of the process and the penalties for violating procedures. In addition, anyone who is found to have knowingly falsified grades on this exam should be disciplined.

¹ 125 and 441

² 125, 389, 570, 604, 1242, 1255, 2157, 2361 and 2181

To improve confidence that the grading of the essay portion of the examination is not subjective, the essays of people who got less than 70% on the multiple choice portion should be graded by a second grader. If the two grades are within 5 points of each other, the average of the two will be the official grade. If the two grades are more than 5 points apart, and the lower grade would cause the person to fail the exam, a third grader should grade the essay and the two closest grades will be averaged, while the “outlier” grade will be ignored. This use of multiple graders will reduce the possibility of subjective or unfair grading.

A protocol between the MoJHA, the Non-Staff Council and the NLC delineating their duties and responsibilities with regard to the administration of the examination including the logistics (timely preparation of all necessary equipment, better organization of examination sites), selection and instruction of examiners, monitors, support staff and observers, development and revision of examination material should be developed. The JRP will only assign ownership of the grading machines when this protocol has been signed.

Training for examination administration is recommended in order to ensure the consistency and uniformity of procedures at all sites. A “mock examination” should be held for all people who will have any role in the administration of the exam. Some days prior to the examination, all proctors and observers should be seated in one of the exam sites and go through all of the instructions and procedures for the exam. The procedure for registering, and how to deal with people without the correct identification or who come late should be enacted. The procedure for placing bags at the front of the room should be enacted. What to do if a cell phone goes off or someone is caught with outside papers in the exam room should be enacted. The exact explanation of how to fill out the exam, what the schedule will be, how the break between the multiple choice and essay exam should be handled should be explained. Written copies of the exact explanations to be given to all examinees should be distributed to all proctors and observers.

Although a system of random seating assignment was enforced at most examination sites as mentioned above, applicants were concerned about who did the assignment as they claim that some were able to sit next to their friends and acquaintances or to those better prepared.

At most sites applicants were seated elbow to elbow and the rows were much too close. It became known after the examination (based on comments by some applicants) that even though there were two versions of the multiple choice examination some applicants were able to see and copy the answers of the applicant with the same version in the next row. It is recommended that the number of applicants per examination room be reduced so that they be seated at least one seat apart. Creation of a third version is also recommended and that the indication of the version (“A”, “B” or “C”) be small so it cannot be read from the next seat.

A procedure for collecting the examination needs to be made uniform. The JRP recommends that the examinees be instructed that when the time is called, they hold up their answer sheets or booklets in their right hand and keep them in the air until they are collected. All other papers can be passed in. Anyone who does not immediately hold up their answer sheet or booklet should not have that answer sheet or booklet graded.

Legislative Changes – Having successfully completed 2 examinations the Non-Staff Council is now able to accurately estimate how much subsequent examinations will cost to administer. The legislation needs to be changed to allow the Non-Staff Council to set the examination fee at an amount which will cover all of the costs of administering future examination. The Non-Staff Council should be allowed to have an account in which to hold funds from one examination for the “up front” expenses of the next examination in order to be able to conduct the examination

independently without any donor support. In addition, the Non-Staff Council should publish the complete budget and its disbursement to ensure the transparency of its operations.

The Non-Staff Council needs to be given more flexibility in announcing the examination in advance. Particularly, the Non-Staff Council should publicize the examination registration time, place and procedure and the information on how to take the multiple choice and essay examination in the law schools before they close for the summer holiday. Ideally, a short course on how to answer multiple choice examinations and how to write essay examination and that course could be given in each law school. (This would not be a review of the substantive law, but only testing procedures).

The requirement for an interview needs to be dropped. The Examination Committee needs to be able to call for an interview if they think it is required, particularly if there are questions about the applicants personal history, if information on education, employment or crime record do not seem to be correct or point to potential ethical problems. But, nothing is added by a requirement to interview everyone.

The Difficulty of the Test – Over 81% of the people who took the test failed and must have experienced frustration. Applicants complained that the multiple choice examination allowed a minute per question and was too long to be taken in one hour and forty minutes. Furthermore, they complained that a significant part of the multiple choice questions was to identify the correct version of a text of law, which gave the impression that the requirement for lawyers was not to correctly apply the law but to memorize the text of law. It has also been suggested that the test is too difficult. The government of Mongolia has a need to fill a number of vacancies in the justice sector and the number of people passing the test may not be adequate to fill that need. Many of those passing the test will seek employment in the private sector, rather than as government lawyers. The purpose of the examination is not to be a selection exam for government employment but to ensure that everyone who calls themselves a “lawyer” has at least the basic knowledge required to practice law competently. All of the questions are designed so that a competent lawyer should be able to answer them. It is much harder to calibrate the difficulty of the test to the level of knowledge required to practice law. It is recommended that the Non-Staff Council investigate ways of determining if the Lawyer Qualification Exam is too easy or too hard to select qualified lawyers. It could have a sample of lawyers already working in government jobs who are rated as qualified take the exam along with the new applicants in future years. If the sample lawyers scored below the cut off, it could be judged as evidence that the exam was unnecessarily difficult. If the group scored uniformly above the cut off, it could be evidence that the exam is too easy. Other means of determining how well the exam measures lawyer competence could be investigated with the help of foreign lawyer examination bodies.

PROPOSAL FOR AMENDMENTS TO
THE CODE OF JUDICIAL ETHICS OF MONGOLIA
December 24, 2004

On the basis of suggestions put forward during the judicial ethics training conducted by Mr. David Sarnowski, Executive Director, Commission on Judicial Discipline, Nevada, USA and the recommendations to improve the Judicial Code of Ethics in the report of “Judicial Ethics Survey” micro-project implemented by the Academy of Sciences, National University of Mongolia, National Legal Center, General Council of Courts, Capital City and District Courts and the Judicial Reform Program in 2004, we propose to make the following amendments to the Code of Judicial Ethics of Mongolia:

1. The term “ethics” is not defined as “judicial ethics” in the code. “Ethics” is regarded as a code of professional conduct or a code of fair and impartial conduct, and is explained similarly in the prosecutor's, advocate's and notary's codes of ethics. So, “judicial ethics” shall be defined as follows in the code: “Judge shall be fair, shall obey the professional ethics and personal morals, shall not misbehave and shall work only under the Constitution of Mongolia and other laws passed in conformity with it”.

2. The following formulations shall be added to the definition of the main purpose of the Code of Judicial Ethics:

- a) judge shall not to be influenced by others,
- b) judge shall treat others properly,
- c) judge shall maintain the reputation and integrity of the judiciary and judge.

3. It is recommended in the survey report that considering the common violations committed by judges in Mongolia, the following terms shall be added to the Code of Judicial Ethics by enriching the code with Mongolian terms and contents (not translation):

- 1. poor communication skills,
- 2. establish personal contacts with litigants and participants of court hearings,
- 3. prone to material and personal influences,
- 4. careless attitude towards court hearings,
- 5. bureaucratic,
- 6. alcohol addict.

Therefore, Clauses 5 and 6 of the Code shall be rephrased to reduce and eliminate the above-mentioned common violations.

4. A provision which states judge should avoid ex-parte communication shall be added to the code. Although judge may be able to be uninfluenced by ex-parte communication, such ex-parte communication creates suspicions and misunderstandings about impartiality of judges.

5. To give the Disciplinary Committee a power to make recommendatory decisions as well as to impose disciplinary sanctions:

- a) to recommend sending judges professional development courses at their own expense,
- b) to give warnings or advices,

6. A new provision which states that judge may employ a professional advocate in disciplinary proceedings against himself/herself shall be added to the code.

7. Transfer of judge to a court of different level during Disciplinary Committee hearing of his/her case will not hinder imposition of a disciplinary sanction on him/her. For example, promotion to the court of higher instance will not constitute a ground to exempt the judge from disciplinary liability.

8. If a disciplinary case is related to immunity of the judge and/or secrets of government institution and privacy, the hearing can be held privately. In this case, Chairperson of the Disciplinary Committee must issue a decree.

9. If judge's criminal case, though proven, is dismissed under the Pardon Law or on the basis of settlement with the victim, this matter may be heard by the Disciplinary Committee.

10. Judge shall come to attend the Disciplinary Committee hearing in person at his/her own expenses from Aimags and if the Disciplinary Committee dismisses his/her case, the judge will be entitled to be reimbursed for the travel costs.

REVIEWED BY
CHAIRPERSON OF THE JUDICIAL
DISCIPLINARY COMMITTEE

M.DAMIRANSUREN

HEAD OF STAFF

B.TSOGNYAM

DEVELOPED BY
INSPECTOR

B.DANGAASUREN

Report on JRP/Pact journalist training seminar
from June 2-3, 2005



From June 2 to June 3, 2005, a seminar was held for journalists from all sectors of the Ulaanbaatar media at the National Legal Center building. It was the third seminar for journalists on court reporting and the judiciary run by the Judicial Reform Project and Pact Mongolia.

The seminar was designed and coordinated by Robyn Garner, an Australian print journalist and Australian Volunteer International working for Pact Mongolia, and Amarsanaa Sukhbaatar from the JRP.

Unlike the previous two seminars in March 2004 and September 2004, which were skills-based and practical-focused, this seminar featured a succession of guest speakers predominantly from different areas of the judicial sector to talk about a range of legal issues.

Thirty-one journalists from Ulaanbaatar had been invited to take part in the seminar, but the attendance was less than expected. Sixteen attended on the first day and 17 on the second, although there was never more than a maximum of 14 in the room at any one time. The attendance rate at the first seminar for journalists was 80 percent; at the second it was 95 percent. The maximum attendance at this third seminar was 54 percent.

On the first day, four guest speakers addressed the seminar. The first was O. Zandraa, the head of the Administrative Chamber of the Supreme Court and a member of the General Council of Courts. He spoke on the topic of "Judicial Reform in Mongolia" and later answered questions from the journalists on the progress of judicial reform.

The second speaker was Udriin Sonin reporter and former prosecutor Sh. Sukhbaatar, who spoke on the topic "Relations between the Courts and the Media" and later fielded questions from the journalists.

The third speaker was N. Dagva, the head of the Administrative Division of the Capital City Court (Appellate Court), who spoke about "Issues of Mongolia's Judicial Reform and Relations Between the Courts and the Media" and later answered journalists' questions.

The last speaker on the first day was Australian newspaper journalist Robyn Garner, who spoke about the legal issues facing Australia's journalists, in particular contempt of court and defamation.

There were three guest speakers on the second day. The first was B. Galdaa, who is the chairman of the Special Investigation Unit of the General Prosecutors Office, who spoke about "Corruption among legal employees" and fielded questions from the journalists.

The second speaker was G. Sumiya, who is a representative from the Parliament's media department, who talked about the parliamentary process, different laws and how laws were passed. He also answered questions from journalists.

The final speaker on the second day was G. Guchin Yos, who is a teacher at the Press Institute of Mongolia, who talked about "Crime Reporting and its Current Problems" as well the necessity of journalists acting ethically and responsibly. He also took questions from journalists.

The last session of the first day was allocated to feedback from the journalists in attendance and group discussion. Among the range of issues that were raised, most important was the consensus between them on the need to form a "journalists' club" in order to share information and knowledge to ensure accuracy of reporting and a more responsible media.

The feedback from the journalists offered a lot of suggestions about how any future guest-speaker-format seminars should be conducted. Quotes from the journalists included:

A. Ogtorguimaa, "Novosti Mongolii" Newspaper:

It was my pleasure to participate the JRP/Pact seminar for court reporters on media coverage of judicial reform. The seminar was interesting and productive. I'd like to recommend involving police authorities in further seminars so that journalists can meet them and have a round-table discussion of issues about major cases that have been settled through the courts.

D. Munkhjargal, "Zuunii Medee" Newspaper:

The lectures by guest speakers and the open discussions among guests and participants were very useful ways to share experiences and impart knowledge. I'm glad that we have started training journalists to become specialized in writing about legal issues. I'd suggest you include not only journalists, but judges, the military, police authorities and government officials in further trainings. I support the idea of forming a club for journalists who write about legal issues. Thank you very much.

G. Guchin-Yos, "Channel 1" TV:

Comments:

1. Conduct regular trainings and seminars to improve the legal education of journalists and reporters.
2. Involve those journalists and proprietors of media who have been sued before the court.
3. Organize meetings and discussions with high-ranking court officials, police and representatives from the Prosecutor's Office.
4. Form a "Lawyer-Journalist" club and have active operations.

S. Delgerzaya and D. Uyanga:

1. It could have been better if some guest speakers from the police were invited because journalists always need to get information from the Police Department.
2. The seminar should involve more journalists.
3. Question-and-answer sessions should take a longer time.
4. Guest speakers should use examples and facts to enrich their talks.

S. Bold, UBS TV:

Thank you very much for conducting this training for us.

The following are my suggestions:

1. Conduct a well-planned and designed training seminar to help journalists become specialized about laws.
2. Increase the number of radio and TV programs about legal issues, cooperate with broadcasters and promote laws such as the Civil Law and the Labor Law for the purpose of improving the legal knowledge of the public and preventing crimes.

G. Jamyan, "Mongoliin Medee" Newspaper:

In my opinion, the following should be done:

1. Involve more journalists who write about legal issues.
2. Establish an active club of journalists that empowers journalists.

3. Try to establish cooperative reporting, run discussions on issues, criticize each other, compete with each other and have competitions that offer rewards.
4. Prepare trusted reporters and provide them with special identification.
5. Put up resistance jointly on some of the cases in which the court made wrong judgments.
6. Select facilitators and guest speakers properly and discuss issues based on facts.

Ts. Bat-Orshikh, editor of the NCSC publication:

I believe it will be more effective if this type of training is conducted regularly.

Recommendations:

1. Conduct the same type of seminar but cover a broader range of issues.
2. Locate the venue of the training outside the city so that participants would be more organized and enthusiastic.
3. Establish a Lawyer-Journalists' club.

Participant who didn't put his/her name:

Being invited to this two-day-training seminar, I learned a lot of things that I didn't know before, such as how to report on court operations and legal matters. I want to thank the staff from the National Center for State Courts and Pact Mongolia for organizing the seminar for us, as well as the guest speakers who gave us lectures and shared their opinions. I support the idea of forming a club for journalists who write about legal issues. The club should be formed as soon as possible.

**Report on training seminar for public affairs officers in the
justice sector from June 30-July 1, 2005**



A USAID/JUDICIAL REFORM PROJECT

PACT PUBLIC-AWARENESS ACTIVITY

Report on training seminar for public affairs officers in the justice sector from June 30-July 1, 2005

Trainer: Robyn Garner

Translator: D. Zolzaya

Coordinators: S. Amarsanaa and T. Altantuya

From June 30 to July 1, 2005, a seminar was held at the National Legal Center building in Ulaanbaatar for public affairs/information officers from courthouses throughout Mongolia. It was the second such seminar for public affairs representatives conducted by the Judicial Reform Project and Pact Mongolia.

The seminar - conducted by Robyn Garner, an Australian print journalist and Australian Volunteer International working for Pact Mongolia - focused on building the capacity of public affairs officers in the judicial sector in how to better communicate with the media and the public and in how to improve the overall negative reputation of the courts in Mongolia.

There were 31 public affairs officers in attendance throughout the two-day seminar from both Ulaanbaatar and most of Mongolia's aimags.

The seminar incorporated a mix of both guest speakers and practical exercises that were designed to encourage the acquisition of skills, a creative thought process and the development of new ideas in relation to raising public awareness, campaign planning and effective communication.

The morning of the first day began with a talk by Bat-Erdene, who is head of the Public Relations and Information Department of the Mongolian Stock Exchange. He spoke to the participants about their roles and duties as public affairs officers in changing the poor public perception of the courts and of the need for them to build "partnerships" with the media. He stressed to them that they were the face of the judiciary - the first people the public invariably came into contact with. As such, the reputation of the courts depended on them.

Bat-Erdene said there were two factors shaping the judiciary's poor public image:

1. Bad reputation: The public believed that corruption and bribery were rife.
2. Fear: The public were fearful of the court and of court processes.

He said there were three areas they needed to be focusing on:

1. Promotion: Promoting the courts to the public through advertising and the media.
2. Face-to-face communication: Interacting with the public, which served a dual purpose - a) helping to break down the barriers that exist between the public and the judiciary and also promoting a more positive image of themselves and the courts; and b) allowing them to get feedback from the public.
3. Public awareness campaigns: Longer-term campaigns that utilized a range of tools in order to educate the public on the courts.

In the second session on the first morning, the participants were first given an overview of the roles and responsibilities of public affairs officers: to provide the media and the public with information on legal proceedings and happenings within the judicial sector; to develop and maintain links with the media and public; to manage public-relations projects and campaigns;

and to interact with different community groups. It was stressed to them that they must be proactive. They were also given an overview of how to plan a public awareness campaign.

They were then broken up into six groups, which they were required to stay in for the duration of the seminar. Each group was assigned a topic - a real-life issue - that they would be working on for the remainder of the seminar. Those topics were: judicial reform and court openness; the new domestic violence legislation; and the public-access computer terminals that are now in all the country's courthouses. They were then given the task of devising a public-awareness campaign based around their particular issue. They were required to identify their target audience, decide the objectives of their campaigns, identify the messages they wanted to get across to the public, work out which were the best ways to get these messages across and what mediums they would use and then develop up a campaign plan - one that was realistic, cost-effective and time-bound.

They were given an hour to do this exercise, but because of the complexities of the exercise - and the difficulty some groups had in defining objectives and grasping the concept of target-audience identification - the subsequent evaluation and discussion stage of their work ended up taking the remainder of the afternoon. It was time well spent, as it was important they all became well grounded in effective campaign planning and had a solid grasp of the processes involved.

At the close of the afternoon session, the participants received a surprise visit by C. Ganbat, the chief judge of the Mongolian Supreme Court and head of the General Council of Courts, and the head of JRP, Robert La Mont. Ganbat spoke of the importance of the role of public affairs officers. He was interested to hear the participants' comments and to hear of the problems they were facing in the aimag courthouses. He also fielded questions from the participants. It was a worthwhile exchange between Ganbat and the public affairs officers, fostering a greater understanding on both sides.

The morning of the second day began with a talk by D. Enkhjargal, who is head of the National Center Against Violence. She provided a valuable insight into the nature of domestic violence: the stages such violence progresses through, where victims can go to get help, who is entrusted with the task of helping victims and what steps can be taken against perpetrators of violence. She also emphasized the need for public education on the issue as part of the efforts to prevent domestic violence.

In the next session on the second morning, participants were given an overview of how to develop media strategies, how to write press releases and public service announcements and how to design and display posters and brochures. In their groups, they were given the task of designing either a poster or a brochure based on the particular topic they had been assigned. They were again asked to identify their objectives and their specific target audience and to identify where their posters and brochures would be displayed/distributed.

Five of the groups designed posters; one group concentrated on brochure design. All came up with creative ideas and designs, in particular one of the groups working on the issue of domestic violence legislation, who targeted their poster at primary-school children. They listed four objectives:

1. Protecting the rights of individuals.
2. Ensuring security.
3. Putting the onus on violators.
4. Fighting against, and protecting against, domestic violence.

They devised a beautifully designed poster for distribution to schools that used clearly understandable cartoon imagery to educate children about domestic violence.

The standout design came from the group who devised a brochure on the issue of court openness. It was such a simple, yet effective, design that the participants were asked to try and incorporate it into any future brochures they may put out in their respective courthouses. Applying the "simplicity is best" approach to layout and design, they came up with a brochure that opened out at the front like doors - which they said represented court openness. On the front of the brochure was the court symbol, and below it, in large letters, was the slogan "Your court". It was a wonderful design, a perfect symbolic representation of what they were trying to impart to the public. Inside they had designed another simple but highly effective layout with information on the civil court process, with information for both plaintiffs and defendants. As they said, the cover of the brochure would be used in all subsequent informational brochures with the inner content changed to suit the message or information that was being conveyed. This would lead to a "brand identification" of the courts and a subliminal reinforcement of the new openness of Mongolia's legal sector. The back of the brochure could be used to either list the names of the various court representatives in that particular courthouse or it could be used for an illustrative map to show the public how to negotiate the courthouse. This group's presentation was a perfect combination and application of layout, audience-targeting and presentation of information.

The afternoon session of the second day began with a talk by N.Dagva, who is the head of the Administrative Division of the Capital City Court (Appellate Court). He spoke about "Issues of Mongolia's Judicial Reform and Relations Between the Courts and the Media".

At the end of the seminar, the participants were asked to write down their feedback and they were unanimous in saying they had derived a lot of benefit from the workshop and in saying that there was a great need to conduct more such workshops in the future.

The participants were then presented with certificates and a group photo was taken. They were then taken on a tour of NLC building.

Conclusion:

At the start of the seminar, very few of the participants had any concept of how to raise public awareness and only a few had ever had any contact with the media. This component of their jobs was largely unknown to them. By the end of the seminar, they had demonstrated their ability to a) identify target audiences; b) define their specific objectives; c) identify key messages to impart to the public; d) identify the best ways to get these messages out to the public; e) devise strategies for disseminating these messages; and f) develop complex and long-term public awareness campaigns. They also came away with an understanding that the key to the success of their jobs is their being proactive in promoting the judiciary. They know that they must be making themselves known to the public, to the media and to community organisations and businesses. As a result of the seminar, they have a much greater understanding of the responsibilities and duties inherent in their role as public affairs officers. The guest speakers were also able to impart valuable information that the participants will be able to apply to their professional activities - most importantly in being able to use that knowledge in their further awareness-raising activities.

Participant feedback

1. The training was well organized and productive. I'm glad that I participated in it and learned a lot. Everything was more than I expected.

2. The training was successful. We learned different tools to be used to promote courts to the public and maintain its openness. The training was efficient because it gave us ideas about different activities that we can run within our current capacities. I think we should put these ideas into practice and evaluate their impact.

3. I learned a lot of practical methods, such as how to make posters, write press releases and brochures and how to deliver those materials. I will use this knowledge in my daily work in future.

Comment: A workshop on how to apply Judge 2005 computer software should be conducted for PA officers.

4. The training was very interesting. Parts of the session given by Robyn Garner from Pact Mongolia and D. Enkhjargal from the National Center Against Violence were more interesting and gave us much knowledge. May your organization conduct more of this type of training for us in the future. I wish you all the best.

5. The training gave us much information about how to disseminate information to the public and imparted a lot of ideas and instructions that will be useful for our further work. The training was designed to give us practical exercises and discuss the performance of the groups. It was the most effective way of learning.

6. The training was really productive. I believe for us, the very first PA officers in the courts of Mongolia, the training acknowledged where we should start our work, what activities and methods and tools we can use efficiently and effectively apply to our work. I will definitely use my knowledge back at my work.

7. The training was successful. In the countryside we often have a lack of information and opportunities to bring any new ideas or technology into practice. This training was so useful for us in understanding the importance of information and knowledge. Now we have certain goals and a direction to plan our further work. Thank you very much.

8. The training was well organized. I believe there are more and better sources and ways to disseminate information about aimag and soum courts. The training didn't cover much about how information could be disseminated to herders and people living in remote areas. They are the people who don't have enough opportunities to access information because of the distance and their inability to come to the aimag or soum center regularly. They don't know who they should seek for help in case their rights are violated. Therefore I believe that it is necessary to find ways to disseminate information to them.

9. The training was efficient. We learned different ways and tools to disseminate information to the public. Now we know how to make and use posters and brochures and how to distribute them. The part of the training about how to promote the law on combating domestic violence was interesting.

10. The training was well designed and productive. It gave us a lot of information and knowledge, such as how to promote the law on combating domestic violence and how to design

posters and brochures. I liked the open discussion about activities, tools and methods to disseminate information to the public very much.

11. This is the second training I've participated in. I think this type of training is most appropriate and necessary for rural court officers and it needs to be conducted regularly. Although we are living in a hi-tech world, trainings should be organized in this way, because it's easier for us to apply the knowledge in our work. Thank you all very much.

12. The training was unique because PA officers from all the aimag and district courts participated in the training. We gained a lot of information and a broader understanding of the issues we need to take into account to organize any public events or campaigns and the useful tools and methods we can use.

13. It was good-quality training. I believe the training was conducted right on time. Because it took only two days, the issues and sessions of the training were short and brief. I liked the session about how to make posters more.

14. I'd like to express my gratitude to the whole team that organized the training. We understand our duties and responsibilities by having a wider range of information and learning how to disseminate accurate information to the public in the most appropriate ways. I believe that we, PA officers, should not only have majored in law, but we also need to have a broader knowledge about the media and journalistic skills and approaches in order to do better work in public relations and information dissemination.

15. I really liked the training. It will be useful if some manual or magazine or newspaper that provides us with instructions and advice is distributed to us. At the same time, we should have a certain information exchange or feedback system between PA officers to evaluate our work performance.

16. The training was effective and we could come up with new ideas. I want to thank the facilitators and guest speakers for giving full heart to impart knowledge to us. The training was useful and the group exercises given by Robyn Garner were interesting.

17. My thanks to Ms. Robyn Garner and the team that organized the training for us. I will be proactive and do my best to improve PA operations. I think PA officers need to be provided with a badge, a telephone and manuals, and that the operational rules for PAs shall be worked out.

18. The training was effective and full of information and knowledge. It was my pleasure to participate in the training. I look forward to attending more of this type of training where we can share our experiences and opinions and achieve our goals of making the courts open and transparent and disseminating information to public.

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Mongolia Judicial Reform Program

**PUBLIC PERCEPTION OF THE JUDICIAL
SYSTEM ADMINISTRATION**

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Summary

1. The Supreme Court and The Tssets enjoy a significantly higher degree of confidence than the local courts. They also enjoy a higher degree of confidence than other central institutions such as the legislature.
2. The degree of confidence in the local courts is comparable to the degree of confidence in other local institutions, such as the police or the office of the Aimag governor. The confidence level in the local courts has increased significantly from 2001 to 2005.
3. The degree of confidence in all court levels is significantly lower among individuals that have previously directly interacted with the courts. The difference in confidence levels is especially high in the case of the local courts, which are the courts with which ordinary citizens are most likely to interact. It should be noted, though, that individuals that have directly interacted with courts show a lower confidence level in non-legal institutions as well. Causation should not be inferred however.
4. Type of locality (urban or rural) is a significant cause of variation in the confidence levels in courts. The confidence level in all courts has been higher in the rural areas than in urban areas throughout the whole 2001-2005 period, although a tendency for the difference to decrease is clearly visible.
5. Civil cases and family relations cases are perceived by respondents to have been handled by the courts significantly better than criminal cases.
6. Rural residents give a higher assessment of courts' handling of all cases than urban residents and so do individuals that have not directly interacted with the courts when compared to those that have interacted directly with the courts.
7. The percentage of individuals that label their experience with courts as "negative" has decreased from 2001 to 2005. Urban or rural residence is not a significant source of variation in assessments of court experience.
8. The percentage of individuals that have been engaged in settling a dispute without going to courts has remained stable at around 13%, two-thirds of which state that the settlement was fair.
9. Expectations about the effectiveness of courts' decisions have clearly improved, although in 2005 the percentage of individuals that think that court decision would not solve their problem remains at a relatively high 56%.
10. The perceptions of equitable treatment by the courts are low and have not evolved throughout the time period under scrutiny. About 90% of the interviewed think that wealthy people, people in influential positions and relatives of court personnel receive better treatment by courts.
11. In assessing the local courts, the evaluation of several characteristics of the courts, such as effectiveness, priority of the law etc. have been improving over time. Positive perceptions of the courts are somewhat higher in rural areas than in urban areas and the improvements over time have been driven more by improvements in rural areas than by changes in urban areas.
12. Having to pay a bribe, the slow pace of justice, and the complexity of law are all perceived as issues that contribute significantly to the costs of going to court, although the percentage of individuals that identify them as such has decreased significantly from 2001 to 2005
13. Bad service, corruption, and the nature of legislation and law enforcement are among the most popularly perceived handicaps of the local courts in 2003. As of 2005 corruption has become less of a concern with the low income of court personnel increasingly being singled out as a problem.
14. All the suggested potential handicaps of the local courts are perceived as such more among individuals that have directly interacted with the courts than those that have not and more among urban than rural residents.
15. High professionalism, good management and good personnel are identified as the most positive aspects of local courts in both 2003 and 2005, with fair treatment, good service and legislation and law enforcement being among the lowest scorers.
16. When asked about the important issues that need improvement for the local courts to function better, the interviewed identified all the suggested issues as areas where improvement is necessary. Fair

treatment, improvement of professionalism and the strong control of courts were the areas where improvement was perceived to be needed the most.

17. The percentage of individuals identifying factors in need of improvement has decreased from 2003 to 2005, with fair treatment still being the biggest concern.
18. Individuals in both urban and rural areas identify the same issues as areas to be improved, but the percentage of people calling for necessary improvements is higher in urban areas than in rural ones.
19. The percentage of people who thought corruption was a problem in the courts decreased from 39% in 2001 to 18% in 2005.

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1. Introductions

This report presents an overview of Mongolians' views on how the court system functions in their country. It presents the results from three surveys, conducted in November 2001, May 2003, and March 2005. The samples in the surveys were chosen to be representative of the country as a whole. Each survey gathered responses from more than two thousand respondents on issues such as their confidence in the courts, their direct interaction with the courts, what the courts are doing well and doing poorly, and many other issues.

The report aims at a purely factual presentation of the data without trying to examine the causal factors that underlie the patterns of responses in the data. Four basic types of facts are presented. First, there is an assessment of the overall picture conveyed by each item of data (e.g., what is the overall level of confidence in the court systems). Second, there is analysis of how the overall picture has changed over time (e.g. whether there are any changes from 2001 to 2005 in those factors that respondents think have been problems in the functioning of courts). Third, the report examines variations in the responses according to whether the respondent lives in an urban or rural area (e.g. do rural residents feel they know less or more about how the courts work than do urban respondents). Fourth, the report assesses whether the responses vary between those individuals who have had direct interactions with the court system (as plaintiff, defendant, or witness) and those who have not had such interactions (e.g. do those with direct court experience think that going to court is more costly than those without such experience).

The report proceeds as follows. Section 2 provides a brief description of the survey and of the sampling procedures. Section 3 reviews a few facts about Mongolia necessary to provide context for an understanding of the results that follow. Then, the discussion proceeds to the presentation of the facts from the survey. Sections 4 to 15 of the report correspond to the major substantive issues on which the survey questionnaire focused. Each of these sections reports on the four basic types of facts listed in the preceding paragraph. In some sections, there are special sub-sections that examine separately how the survey responses vary between urban and rural residents and between those with previous court interactions and those without previous interactions. In other sections, treatment of the variations in the data along these two dimensions is woven into the overall discussion, where that overall discussion is better served by such a structure.

The mode of presentation is primarily a verbal discussion of the results. Some tables are included in the text, where they are particularly informative. However, the presentation of the raw data is mostly reserved for an appendix, which presents the large number of tables containing the statistics that provide the sustenance the discussion that appears in the main body of this report. The interested reader can refer to those appendix tables to obtain much more information than can be presented in the body of the report. Nevertheless, it should be emphasized that the verbal presentation does attempt to convey all information

that seems to have been important when analyzing the data in detail. Therefore, there is no need for any reader to have to consult those tables to obtain a clear picture about what Mongolians think about their court system.

2. The Survey

Three surveys were conducted by the Sant Maral Foundation. In November 2001, 2203 respondents were interviewed; in May 2003 there were 2258 and in March 2005 there were 2274. Each survey interviewed people in the capital city and in several rural aimags. The methodology was face-to-face interviews using a questionnaire with structured responses. Survey questions remained constant from year-to-year so that changes over time in responses could be easily interpreted.

The survey was conducted to obtain a representative sample of the adult population above 18 years old. The surveyors used multi-stage random sampling, based on selecting the capital city and rural aimags, and then sampling within each sub-district of the selected aimags (and capital city). An important factor in Mongolia is that the sample was also designed to select the nomadic population on a random basis as they traveled between areas.

The age and gender characteristics of the sample were compared to the distribution of these characteristics within the whole population using National Statistical Office data. Age groups 30-39 and 40-49 were somewhat over-represented in the sample. Females were also a greater proportion of the sample than the population. Therefore, when deriving results for this report, the data were weighted by the age and gender distribution in the population.

3. Mongolia background

This report assumes that readers are familiar with the basic characteristics of Mongolia. The low income of this country does not need to be emphasized, nor do the huge divergences between the nature of life in the urban (mainly Ulaanbaatar) and rural areas. What is useful to review, however, is whether any significant changes occurred in the country in the 2001-2005 time period, which might have influenced the way in which respondents answered survey questions.

The 2001 survey was conducted at the end of a time of poor economic performance, with per capita incomes falling and inflation high compared to that in subsequent years. However, in the 2001-2005 period economic growth picked up quite strongly and inflation declined somewhat, with per capita incomes growing significantly in 2003, and then very strongly in 2004, just before the time of the 2005 survey. Certainly, the economic situation would have looked much better to a respondent in the 2005 survey than one answering questions in 2001.

In politics, the changes during the years covered by this report have been small compared to the political earthquakes that Mongolian citizens experienced in the previous decade, and certainly normal ones for citizens of a democracy. During the first years of the new millennium the Mongolian People's Revolutionary Party (MPRP) held the vast majority of seats in the parliament. However, a mid-2004 election returned a parliament almost evenly divided between the MPRP and the opposition Democratic Coalition. In the 2005 presidential election, the MPRP candidate won with just over 50% of the votes. This all suggests that the results in the 2003 survey, especially, and perhaps the 2005 survey could be affected by some general sentiment against governmental institutions in general.

Data produced by international organizations does give a useful overview of how institutions in general are changing in Mongolia. The World Bank tracks changes in six sets of institutions over time.¹ Mongolia performs fairly high on these institutional scores compared to what one might expect based on its overall level of development. But the most notable aspect of the data from the perspective of this report is the fact that the World Bank's numbers suggest that institutional quality in Mongolia declined rather steeply between 2002 and 2004. This was particularly notable in government effectiveness, control of corruption, and the rule of law, all institutional measures that bear some relation to the functioning of courts. When deliberating on the meaning of the results that appear below, the reader should take into account these more general perceived changes in the Mongolian institutional environment.

4. Confidence in the courts

In this section, the report analyzes trends in the degree of confidence in the courts and differences in that degree of confidence that emerge between various groups of the population. For that purpose, the sample population is categorized in two ways. The first distinction is between the rural and urban populations (respectively 57% and 43% of the sample). The second one is between individuals who have had direct interaction with courts and those that have not (respectively 20% and 80% of the sample). Appendix 1 presents the tables that contain the very detailed results on which the analysis in this section is based.

The courts under scrutiny are the Mongolian Supreme Court, the Tsets (or constitutional court), and the local level courts.² The analysis examines answers to the survey questions related to the amount of confidence that the citizens have in each court, and, for comparison, in other institutions. The "degree of

¹ See Kaufmann D., A. Kraay, and M. Mastruzzi 2005: Governance Matters IV: Governance Indicators for 1996-2004.

² The survey questionnaire refers to "The courts in your community". In all likelihood, respondents would have interpreted this to mean first instance courts: soum courts in the countryside and district courts in Ulaanbaatar. They had first instance jurisdiction in cases of less serious crimes and minor civil disputes, and the aimag and city courts, which have first instance jurisdiction in cases of more serious crimes and bigger civil disputes until September of 2002 when new procedural codes gave soum and district courts jurisdiction over all first instance cases. The answers almost certainly reflect perceptions of both soum or district courts and aimag and city courts.

confidence" or "confidence level" to which this section refers is the percentage of individuals that stated that they have "a great deal of" or "some" confidence in the relevant court or institution. The individuals that stated that they have "little" or "no" confidence are placed in the group that had (relatively) no confidence in the relevant institution.

Confidence in the Mongolian Supreme Court has increased slowly over the time period covered by the three surveys from 66.8% in 2001 to 71.3% in 2005, while the confidence level in the Tsets has remained fairly stable, decreasing slightly from 74.2% in 2001 to 73.7% in 2005. The confidence level in the local courts remains significantly lower than the degree of confidence in the two national-level courts, but has increased dramatically from 43.6% in 2001 to 55.7% in 2005, suggesting a the perception of an improvement in quality at the local level.

These data should be placed in context. It is known that survey responses on particular institutions also reflect general trends in public sentiment. Therefore it is useful to examine changes in the degree of confidence in non-court-related local and national institutions, and make comparisons to these data on the courts. The survey has data on the degree of confidence in the office of the aimag governor, the most prominent local institution, and the confidence in the local police, an organization very much part of the legal system but outside the courts. The confidence level in the office aimag governor increased to 60.5% in 2005 from 53.2% in 2001, whereas the degree of confidence in the local police increased to 51.7% in 2005, from 42% in 2001. This suggests that the increased confidence in the local courts is part of a general trend at the local level, but notably the increase in confidence for the courts is stronger than for the other local institutions. It should also be noted that the degree of confidence in the courts is somewhat closer to the lower-rated local police than the more highly rated office of the aimag governor.

At the national level, it is useful to compare changes in the perceptions of the courts to analogous changes for the legislature.³ The degree of confidence in the legislature has increased from 48% in 2001 to 59% in 2005. Hence, the confidence level in the two central level courts (the Supreme Court and the Tsets) has been significantly higher than the degree of confidence in central level institutions such as the legislature, but confidence in the legislature has moved closer to confidence in the courts over time.

It should be noted that central court institutions enjoy a higher reputation than central political institutions, while, on the other hand, the confidence level in the local courts is closer to the confidence level in the local institutions (albeit higher than the police and lower than the aimag governor) and also follows similar trends.

4.1 Direct interaction with courts as a source of variation in confidence level

³ The 76-seat, one-chamber Ih Hural.

This report now explores the trends and differences in confidence level after categorizing the sample population into individuals that have directly interacted with the courts versus those that have not. Individuals 'directly involved with the courts' are defined to be those that have had court experience either as a plaintiff, defendant, or witness. Individuals that have just been present in a court proceeding without playing any of the three direct roles are not included in this definition as having been involved with the courts. Approximately 20% of the sample has been directly involved with the courts and the remaining 80% has not.⁴

The confidence level in the Supreme Court in the non-involved group steadily increased from 69.1% in 2001 to 73.1% in 2005. On the other hand, in the involved group it initially increases from 57.4% in 2001 to 66.3% in 2003 and then drops to 61.5% in 2005, significantly lower than the 73.1% of the first group. The degree of confidence in the Tsets in the non-involved group has remained stable, changing slightly from 73.8% in 2001 and 74.4% in 2005, whereas in the involved group it has decreased from 75.8% to 69.6%. The confidence level in the local courts has steadily and significantly increased in both groups, but the confidence level in 2005 in the non-involved group is 57.8%, much higher than the 44.6% in the involved group. In sum, the confidence level in both the Supreme Court and the Tsets is higher for both involved and non-involved groups than the confidence level in the local courts (albeit relatively high in both groups); the confidence level in the national courts has increased in the non-involved group and has decreased in the involved one, whereas the confidence level in the local courts has increased in both groups.. Table 1 verbally summarizes these numerical patterns.

Table 1. Trends of confidence in courts by previous involvement with the courts

Confidence in	Involvement	
	Involved	Not Involved
Supreme Court	High, slightly increasing	High, slightly increasing
Tsets	High, decreasing	High, stable
Local Courts	Low, strongly increasing	Moderate, strongly increasing

As a result, one can conclude that direct involvement with the courts is a significant source of variation in confidence level in courts, with the directly involved being typically more skeptical and showing a lower degree of confidence. But one must remain cautious about conclusions on causality regarding the link between direct involvement and confidence in the legal system, because as Table 1 makes it clear that those directly involved show the same lack of confidence even when it comes to other, non-legal institutions, such

⁴ The questionnaire also asked whether the respondent had ever observed proceedings in a court or been involved in the courts in any other way than witness, plaintiff, defendant, or observer. The definition of involvement was restricted to that of witness, plaintiff, or defendant, since these parties must have directly interacted with the court and with the court procedures. So few respondents were involved with the courts 'in any other way' that the addition of these to the involved group would not change results. The observers are a much larger group and but would not necessarily have had much experience with the courts.

as the office of the aimag governor. Perhaps those who have become involved with the courts are more disillusioned about the society in general, rather than holding hard and fast evidence on the degree of confidence that they should place in the courts. **People with experience in court may also allow the outcome of their case to influence their opinion of the quality of the courts.**

Table 2. Confidence in legal and non-legal institutions in 2005 by involvement

Confidence in	Involvement	
	Involved	Not Involved
Supreme Court	61.50%	73.10%
Tsets	69.60%	74.40%
Local Courts	44.60%	57.80%
Aimag Governor	52%	62.10%

4.2 Urban versus rural residence as a source of variation in confidence level

Approximately 42.7% of the interviewed were residents of urban areas with the remaining 57.3% being residents of rural areas. In the rural areas the confidence level in the Supreme Courts has remained stable at approximately 74%. In the urban areas, while it has increased dramatically from 57.2% in 2001 to 67.4% in 2005, it still remains lower than in rural areas. The degree of confidence in the Tsets in the urban areas shows a slight increase from 66.2% in 2001 to 69% in 2005. In the rural areas it has slightly decreased from 79.7% in 2001 to 77% in 2005. Interestingly, in both urban and rural areas the confidence level drops in 2003 with the recovery being much stronger in the urban areas.

From 2001 to 2005, the confidence level in the local courts increases from 40.5% to 50.1% in urban areas and from 45.7% to 59.6% in rural areas. The increase is uniform and significant in both areas and again the confidence level remains higher in the rural areas.

Table 3. Trends of confidence in courts by area of residence

Confidence in	Area	
	Rural	Urban
Supreme Court	Stable, higher than urban	Strongly increasing
Tsets	Slightly decreasing, higher than urban	Slightly increasing
Local Courts	Strongly increasing, higher than urban	Strongly increasing

Overall, it is safe to say that area of residence is a significant source of variation in confidence in the courts. The degree of confidence in both the Supreme Court and the Tsets has been relatively stable in the rural areas and, while remaining significantly lower, it has increased in the urban areas. The confidence level in the local courts has uniformly increased in both areas and while remaining significantly higher in the rural areas. Indeed, the difference in confidence in the local courts between rural and urban areas has in fact increased. Table 3 (above) verbally summarizes these numerical patterns.

5. How were different cases handled by the local courts?

The questionnaire asked "How would you say the courts in your community handle different types of cases?" In the analysis of the data, the responses were classified into three categories, 'good', 'fair', and 'poor'. The different types of cases posed to the respondents were civil, criminal, and family relations. The tables on which this section's analysis is based can be found in Appendix 2.

The assessment by respondents of the handling of civil cases has been reasonably stable, exhibiting a strong positive evaluation of court activity. In both 2001 and 2005 about 82 % of the respondents think that courts in their community have handled civil cases at a good or fair level. The same is true for the assessment of family cases; about 84% of the sample thinks that have been handled at a good or fair level. The positive assessment of the handling of criminal cases, on the other hand, has improved from a 65.3% rating of good or fair in 2001 to a 70.5% one in 2005, but it still remains lower than the assessment of the civil and family cases.

5.1 Direct involvement as a factor in the assessment of the handling of cases

Using the involvement dichotomy defined in the previous section, this report now examines whether the assessment of court activity varies with whether the respondent has directly interacted with the court or not. When asked about assessing the handling of civil cases by the local courts, an average (across all survey years) 83% of the non-involved think that they were handled at a good or fair level. In addition, the assessment of the handling of civil cases has been quite uniform across the three surveys. The percentage of involved individuals that have given a positive assessment is lower at 76.2% in 2005, slightly increasing from the 74.5% in 2001. The percentage of non-involved respondents assessing the handling of criminal cases at a level of good or fair increased from 67.8% in 2001 to 71.6% in 2005. The analogous percentage among the involved increased from 54.8% in 2001 to 64.5% in 2005.

The percentage of individuals that have given a positive (a level of good or fair) assessment of the handling of family cases is high among both involved (about 82%) and non-involved (about 84%) and it also has remained fairly stable over the three surveys, with only a slight decrease being witnessed for both groups.

Thus, previous involvement with the courts seems to be a factor in the assessment of the handling of civil and criminal cases, where non-involved individuals give a significantly better assessment than the involved ones. This is not the case with family cases, where both groups have a high assessment and the difference is not significant.

5.2 Area of residence as a factor in the assessment of the handling of cases

The percentage of urban residents that give a positive (a level of good or fair) assessment to the handling of civil cases by local courts has increased from 73.2% in 2001 to 77.4% in 2005. On the other hand, the analogous percentage from rural areas, while remaining significantly higher than in urban areas, has slightly decreased from 86.6% to 84.7%.

The number of positive assessments of the handling of criminal cases increased from 2001 to 2005, and the urban and rural assessments tend to converge with time. The percentage of positive assessments of the handling of criminal cases in urban areas increased from 61.5% to 69.7% and in rural areas from 67.9% in 2001 to 71.1% to 2005. It is worthy mentioning, though, that in the rural areas the positive assessment drops notably between 2003 (75.5%) and 2005 (71.1%). Again, the assessment of the handling of family cases is both high and relatively stable in both areas, with about 82% positive assessments in urban areas and 85% in rural areas.

Overall, the assessment of the handling of cases by local courts is higher in rural areas than in urban areas. Nevertheless, the difference is significant only for civil cases and the assessment does not vary much by type of locality for criminal and family cases.

6. Satisfaction with court experience

In this section, the report examines the responses of the sample to the question: "How did you feel about your experience in court" (Appendix 3 provides the tables that underpin this analysis). This question should be interpreted as being addressed solely to those individuals (in both urban and rural areas) that were directly involved with courts, given that only those individuals have first-hand, direct experience with the courts.

Overall, the percentage of individuals that feel positive about their experience in courts has remained stable at about 32%.⁵ The percentage of individuals that feel negative about their experience in court has decreased from 26.7% in 2001 to 22.3% in 2005, with a consequent parallel increase in those rating the experience as neutral.

In urban areas, the percentage of the individuals that feel positive has remained stable at about 30.5%. The percentage of those that feel negative about their court experience has decreased sharply from 29.2% to 20.8%, with the percentage of the "neutrals" increasing by the same amount. In rural areas, the percentage of the individuals that feel positive has been in a slight decrease from 35.3% to 33.4%, albeit still higher

⁵ The survey allowed respondents to choose five options in describing their feelings about their experience in the courts. This report combines very positive and positive into a positive category and very negative and negative into a negative category. Respondents also gave answers of neutral.

than in the urban areas. The percentage of those who feel negative has remained stable at 23.4% and the percentage "neutrals" has increased by a margin of 2%.

Concluding this section, the percentage of individuals that feel negative about their court experience has declined sharply from 2001 to 2005. Area of residence is not a significant source of difference when it comes to satisfaction with court experience. As of 2005, the percentage of individuals that feel positive or neutral is approximately 77% in both areas.

7. Settling a dispute without resorting to the courts

As of 2005, 13.2% of the sample had been involved in settling a dispute without going to court⁶. This percentage has hardly changed from the 13.6% of 2001. While 66% of the individuals involved in settling a dispute without going to court rate the settlement as fair, fewer, 58%, were satisfied with the settlement. The percentage of the individuals that would have preferred the outcome of the dispute to have been decided in courts was 46.7% in 2005.

8. Expectations about the experience of being involved with the courts

In this section, the report analyzes the reactions of the sample when asked about various issues regarding their expectations as to what would happen if they became involved with the courts⁷. The questionnaire asked respondents for levels of disagreement with various statements (such as "I would know how the process worked"). This report classifies the responses into two categories, either agreement or disagreement with the statement (with those agreeing with "I would know how the process worked", for example, being classified as knowing how the process worked).

Overall, the percentage of the individuals that, faced with the possibility of going to court, would classify themselves as knowing how the process works, decreased from 60.8% in 2001 to 56.5% in 2005. This decline is most evident in urban areas, where the degree of understanding of the judicial process dropped sharply from 63.2% to 50.8%. It has been fairly stable in the rural areas, although showing a slight decline from 2003 to 2005. Predictably, the degree of understanding of the process is much higher among those who have been directly involved with courts (about 75% as of 2005) than among those who have not (53% in 2005). There has been a slight decline in both groups. It is not clear if the adoption of new procedural codes in 2002 may have influenced this decline in self assessed knowledge.

The percentages of individuals that would know "where to turn for help" in case of a court dispute have followed the same trends in both urban and rural areas. They increase slightly between 2001 and 2003 but

⁶ Appendix 4 contains the tables on which this section's analysis is based.

⁷ Appendix 5 contains the tables on which this section's analysis is based.

plunge back in 2005 to around 68.5%, much lower than the initial 76%. They follow the same time trend when the sample is split along the lines of direct involvement. However, the percentage of those that would know where to turn for help remains understandably higher among those that have been directly involved in a court process in the past (81% in 2005) than among the non-involved (66%).

The expectation that “court personnel would assist someone in the process are significantly higher in the rural areas (72% in 2005) than in urban areas (65% in 2005). However, this percentage has decreased from 81% in 2001 to 72% in 2005 in the rural areas while it has remained stable in the urban areas. The “help from court personnel” expectations are also much higher among the non-involved (71.5% in 2005) than among those directly involved with courts (57.3% in 2005). These expectations have decreased among both groups since 2001.

The percentage of individuals who think that court procedures are too hard to understand was approximately 75% in 2005 in both rural and urban areas, decreasing over time in the former and increasing in the latter. The percentage thinking that court procedures are hard understand is slightly higher for respondents who have never been involved with the court than for those who have been involved.

The percentage of the sample stating that court decisions take a lot of time is high (around 86% in 2005), and does not show any variation between rural and urban regions and between those who have been involved in court decisions and those who have not; nearly all respondents agree that "it would take very long for the court to decide" on a given issue. The responses on this variable hardly change over time.

In contrast, a positive impression on the evolution of the effectiveness of court decision-making emerges from the answers to the question whether "the court's decision would not solve the problem". As of 2005, 56% of the individuals say that the court decision would not solve the problem, but this is certainly an improvement compared to 2001, when this number was 65%. In addition, this trend is not significantly affected by the area of residence or by whether the respondent has been directly involved in the courts before. (The percentage is slightly higher in the urban areas and among those having been directly involved with courts.)

The percentage of individuals who think that they would be treated fairly if they had to go to the court is significantly higher in rural areas (30.4% in 2005) than in urban areas (20.6% in 2005). In addition, this percentage has remained stable through time (with a slight increase in the rural areas and a slight decrease in the urban ones). The expectation of being treated fairly is not much different between the involved and non-involved. But in contrast, the percentage of individuals who think that they would be treated unfairly is much higher among the directly involved (around 30% in 2005) than among the non-involved (around 15% in 2005).⁸

⁸ The don't knows (about fairness of treatment) are much higher among the non-involved group.

In terms of general information about the courts, in both rural and urban areas the percentage of people who classify themselves as informed is similar (36% and 35% respectively as of 2005). In the rural areas, though, it has increased considerably as compared to the 29% of 2001. On the other hand, the difference in information is (understandably) large when comparing those who have been directly involved with those who have not been involved. The percentage of informed individuals is 61% among the directly involved and 31% among the non-involved as of 2005. On a positive note, among the non-involved it shows a notable increase from the 24% in 2001.

The questionnaire also asked the respondent about which groups would be treated better or worse by the courts. As of 2005, about 90% of the sample thought that wealthy people are treated better by the courts. In addition, about 93% assumed that people in influential positions are treated better, 90% think that relatives of court personnel are treated better and 53% think that foreigners are treated better. These percentages have been relatively stable from 2001 to 2005 and they also tend not to vary between respondents who have been directly involved with court procedures and those who have not. They are slightly higher (by typically 2-3%) in the urban areas than in rural areas. Notably, respondents think men and women are treated equally by the courts.

This section concludes with a few overall comments about the data on how respondents expect the court process to be. On the whole, the perception of the effectiveness of the courts' decisions among the population has steadily improved with time, but the expectations about the length of the process have not, and the percentage of people that think that it would take too long for courts to decide remains quite high. The percentage of people who think they would be treated fairly by the courts remains relatively low and it is lower in urban than in rural areas.

On the other hand, more than two-thirds of the population knows where to ask for help in case they get involved in a court dispute and more than two-thirds of the population thinks that the court personnel would be helpful to them. The percentage of people who think that court procedures are too hard to understand remains high and the percentage of people who are informed about how the courts work remains low, with the directly involved group being, as expected, much more court-savvy than the non-involved.

When it comes to how egalitarian the courts are perceived to be, at least 90% of the sample thinks that several categories (wealthy and influential people) are treated better by the courts. This inequality is perceived to be slightly higher by people in urban rather than in rural areas.

9. Perceptions about the local courts

In this section, the report presents and analyzes the answers to questions about several basic characteristics of the courts, the judges, and the judicial system.⁹ The questionnaire asked respondents for their levels of agreement or disagreement with various statements (such as "Courts protect defendants' constitutional rights"). This report classifies the responses into two categories, either agreement or disagreement with the statement. The survey question asked for these opinions with respect to "courts in your community", which is interpreted in this report as referring to the local courts.

The percentage of respondents who agree that courts protect the constitutional rights of individuals is high and has been increasing, from 75.9% in 2001 to 85.6% in 2005. It seems that the rural areas are responsible for the increase: this percentage has remained stable at around 78% in the urban areas and has increased from 74% to 84% in the rural areas.

Also indicative of a higher quality court system is the percentage of individuals who believe that judges are fair in deciding cases. This is higher in rural areas (about 79% in 2005) than in urban areas (around 71% in 2005), while it has steadily increased in both (from respectively 70% and 62% in 2001).

In contrast, a strong criticism of the courts lies in the fact that the percentage of individuals who think that courts do not give adequate time and attention to each case was 68% in 2005, but has decreased from 73.3% in 2001. In this case, though, there are no significant differences between the rural and urban areas, both following the decreasing trend.

The percentage of individuals that think that courts are out of touch with developments in their communities has also decreased, from 64.7% in 2001 to 57.7% in 2005. This number is lower in urban areas (53.2% in 2005) than in rural ones (60.8% in 2005), while decreasing in both (from 58% and 69.4% respectively in 2001).

The percentage of respondents thinking that court rulings are understood by people involved in the cases has decreased from 80.6% in 2001 to 70.6% in 2005. It is higher in rural areas than in urban ones (respectively 73.9% and 65.9% in 2005) and has decreased in both (from respectively 82.7% and 77.7% in 2001).

In all countries the enforceability of courts decisions is a critical factor on assessing court quality. In Mongolia, the percentage of individuals that think that courts do not make sure that their decisions are enforced has dropped from 73% in 2001 to 60% in 2005. There are no differences in the percentages for rural and urban areas, which have both followed the same path over time in enforceability.

The percentage of individuals that agree that judge decisions are based only upon the facts presented and the law is quite high as of 2005 (82.2%) and it has been increasing (from 79.7% in 2001). It is

⁹ Appendix 6 contains the tables on which this section's analysis is based.

interesting to notice that in the rural areas it has increased from 78.4% in 2001 to 84% in 2005 whereas in the urban areas it has decreased from 81.5% to 79.8%.

The percentage of individuals that agree that judge's decisions are influenced by other government officials has decreased from 78.8% in 2001 to 74% in 2005. This decrease is more marked in the rural areas (from 79.3% to 72.4%) than in urban areas (from 78.1% to 76%), with the rural areas ending up with a lower percentage in 2005.

There has been a decrease from 84.2% in 2001 to 75.7% in 2005 in the percentage of people that agree that the courts would favor the government in a case pitting the individual versus the government case. Again, this decrease is driven by the decrease in the rural areas (from 84.3% to 70.7%), which is much larger than the decrease in urban areas (from 83.9% to 82.7%).

The percentage of individuals that agree that they would prefer that the judge ignored the law to ensure that the defendant is convicted has increased from 48.2% in 2001 to 52.5% in 2005. This is driven by changes in the rural areas, where this percentage has increased from 46.1% to 57% as opposed to the urban areas, where it has decreased from 51% to 46.1%.

Trying to build a composite picture from these disparate statistics is difficult, but nevertheless three general features emerge. First, on balance, the courts have been improving over time in the eyes of the respondents. Second, positive views of the courts seem to be somewhat higher in rural areas than in urban areas. Third, the improvements over time have been driven more by improvements in rural areas than by changes in urban areas.

9.1 Direct involvement as a factor in the perceptions of the local courts

When comparing the perceptions of the local courts according to whether respondents have been previously involved or not in court activities, typically those that have been directly involved give a lower grade to the courts. For example, while in 2005 78% of the non-involved think that judges are generally honest and fair in deciding on the cases, this percentage among the directly involved is 62.9%. The percentage of people that agree that court decisions are understood by the people in 2005 is 71.3% among the non-involved and 66.9% among the directly involved. The percentage of individuals that agree that courts do not make sure that their orders are enforced is 66.5% among the directly involved and 58.7% among the non-involved. Among the non-involved, in 2005 84.1% of the individuals think that judges' decisions are based only on the facts presented and the law, whereas this percentage among the directly involved is 74.6%. The percentage of individuals that think that judges' decisions are influenced by other government officials is 73% among the non-involved and 78.5% among the directly involved. The percentage of individuals that think that judges do not give adequate time and attention to each time and case is also higher among the directly involved (70.4% in 2005) than among the non-involved (67.5%).

This is very strong evidence that those who have been involved in court proceedings have a very different view of the operation of the courts than those who have not been so involved. However, one should be cautious in interpreting this information. This might be because those who have actually seen court proceedings at first hand have a more reasonable view of what is going on. But it also might be true that those who have become involved in court proceedings are not a random selection of the population: they might be more likely to have been defendants in criminal trials and therefore very negative about social institutions, or they might be more likely to be businessmen involved in civil disputes, who are more skeptical about the functioning of government entities in general. Of course most criminal defendants are convicted and half the civil litigants lose their cases which could color the loser's perceptions of the courts.

Lastly, note that the time trends of the distributions of the answers do not vary significantly across the two groups and they are similar to the general time trends from the first part of this section.

10. Costs of a dispute

Respondents were asked about the contribution of seven different factors to the cost of going to court¹⁰. The cost of having a lawyer is perceived to be the most significant of these costs. As of 2005, 90.4% of the interviewed think that the cost of having a lawyer contributes significantly to court costs. Although it still remains high, this percentage has decreased from the 94.4% it was in 2001. It is higher in the urban areas (93.1% in 2005) than in the rural ones (88.4% in 2005), with the same slight decrease present in both. Not

¹⁰ Appendix 7 contains the tables on which this section's analysis is based.

surprisingly, this percentage is much higher among those that have been directly involved in court proceedings (93.4% in 2005) than among those who have not been so involved (71.6% in 2005). Furthermore, it has remained fairly stable among the former (it was 95.4% in 2001) while it has slightly decreased among the latter (from 81.5% in 2001).

When asked about court fees, in 2005 72.9% of the individuals responded that the latter contribute significantly to court costs. This percentage shows a significant decrease from the 82.7% of 2001. While it shows no significant variation arising from the respondent's status of being previously involved in court activities, this percentage is lower among urban residents (68.4% in 2005) than among rural ones (74.3% in 2005). The decreasing pattern is clear in both areas, with the 2001 percentages being about 81% in both. Oddly, the slight increase in court fees in 2002 does not seem to have influenced these perceptions.

In 2005, about 73% of the individuals identified the slow pace of justice as a significant cost. This percentage has been decreasing from the 82.7% it was in 2001. As of 2005, this percentage is higher among those previously involved in court activities than the non-involved (76.3% and 72.3% respectively) and it has been decreasing among both (from respectively 86.9% and 81.7% in 2001). It is also higher among urban residents than rural ones (respectively 75.8% and 71% in 2005) and it has decreased among both groups (from respectively 84.7% and 81.3% in 2001).

The percentage of individuals that identify the complexity of the law as a significant contributor to the costs of going to court was 60.8% as of 2005. It has decreased significantly from the 75.2% of 2001, which is an indication that the understanding of the law has improved significantly. While not being significantly different between those previously involved in court activities and the non-involved, this percentage is higher in urban areas (64.4% in 2005) than in rural areas (58.3% in 2005), having decreased significantly in both (from respectively 76% and 74.7% in 2001).

As of 2005, 75.5% of the individuals think that the personal time required is a significant contributor to the costs of going to court. This percentage has decreased significantly when compared to 2001 (91.5%). It is higher among urban residents (82.7% in 2005) than rural residents (70.3% in 2005) and it has been decreasing in both (from respectively 90.7% and 92.1% in 2001). This percentage is also higher among those previously involved in court activities (79.2% in 2005) than among the non-involved (74.8% in 2005) and it has decreased in both (from respectively 92.1% and 91.4% in 2001).

Having to pay a bribe is viewed as a significant contributor to court costs by 79.1% of the interviewed in 2005. This percentage decreased from the 89.4% of 2001. It is slightly higher among those previously involved in court activities (81.1% in 2005) than the non-involved (78.7% in 2005) and it has decreased among both (from around 89.5% in 2001). This percentage is much higher among urban residents (84.4% in 2005) than among rural residents (75.3% in 2005) and it has decreased in both (from respectively 89.9% and 89.1% in 2001), although the decrease is much stronger in the rural areas.

Unethical behavior is considered as a significant contributor to court costs by 61% of those interviewed in 2005. It decreased dramatically from the 77.2% of 2001 and it seems that rural residents are mainly responsible for this decline (54.4% in 2005 from 76.6% in 2001) whereas in the urban areas the decline is much less sharp (70.2% in 2005 from 78.1% in 2001). This percentage is higher among those previously involved in court activities (68.2% in 2005) than among the non-involved (59.5% in 2005) and it has decreased in both (from respectively 81.7% and 76.1% in 2001).

In sum, the percentages of the interviewed that consider the abovementioned factors significant contributors to court costs has decreased from 2001 to 2005. This decrease is less obvious in the case of "the cost of hiring a lawyer" and more obvious when it comes to "the cost of having to pay a bribe" or "the complexity of the law". Typically, the percentage of individuals that perceive the abovementioned factors as serious contributors to court costs is higher among urban residents than among rural ones and it is also higher among those previously involved in court activities than among the non-involved.

11. Perceptions about the courts in general

In this section, the report analyzes the perceptions of respondents concerning a variety of aspects of the functioning of courts, from biases in judges' decisions to the degree of courtesy extended by the courts¹¹. The respondents were asked for levels of agreement or disagreement with various statements about these matters (such as "It is affordable to bring a case to court"). This report classifies the responses into two categories, either agreement or disagreement with the statement.

As of 2005, 83.2% of the interviewed agreed that when a person sues a company, the courts generally favor the company over the person. This percentage has decreased from the 86.4% of 2001. It is higher and increasing in the urban areas (86.5% in 2005 from 82.8% in 2001) and lower and decreasing in the rural areas (80.8% in 2005 from 88.9% in 2001). It shows no significant difference across along the lines of direct involvement in court activities as of 2005, although it has slightly increased among the directly involved (83.9% in 2005 from 82.2% in 2001) and it has decreased among the non-involved (83% in 2005 from 87.4% in 2001).

The percentage of individuals that agree that judge decisions are influenced by political considerations has slightly increased from 66.8% in 2001 to 69.1% in 2005. This percentage is lower and stable among those not having previously been involved in court proceedings (68.2% in both 2001 and 2005) and higher and increasing among those who have been directly involved (73.7% in 2005 from 60.8% in 2001). This percentage does not show a significant difference along the urban-rural dimension.

¹¹ Appendix 8 contains the tables on which this section's analysis is based.

When questioned about whether judges' decisions are influenced by their personal interests, the percentage of individuals that agree has decreased from 79% in 2001 to 72.3% in 2005. This percentage shows no significant difference along the urban-rural dimension (71.6% in the rural and 73.4% in the urban areas). It has decreased in both types of localities (from 79% in 2001). This percentage is higher among those having previously been involved in court proceedings (76.1% in 2005) than among the non-involved (71.6%) and it has been decreasing for both these types of respondents (from respectively 82.4% and 78.2% in 2001).

The percentage of individuals that agree that the courts generally make reasonable efforts to ensure that individuals have adequate attorney representation has decreased from 81.4% in 2001 to 77.6% in 2005. It is higher and has decreased slightly among those not having previously been involved in court proceedings (81.7% in 2001 and 78.7% in 2005) and it is lower and has decreased by more among the directly involved (78.7% in 2001 and 71.4% in 2005). The difference across the rural-urban dimension is not significant but it is worth noticing that this percentage has increased in the urban areas (78.4% in 2005 from 74.5% in 2001) and has decreased in the rural areas (76.9% in 2005 from 85.7% in 2001).

In 2001, 67.2% of individuals agreed that it would be possible for them to represent themselves in the court if they wanted. By 2005 this had increased to 72.2%. This percentage is slightly higher in the rural areas (73.3% in 2005) than in urban ones (70.6% in 2001), having increased in both (from respectively 66% and 68% in 2001). As of 2005 this percentage doesn't show a significant degree of difference between the two 'involvement' groups and it has increased in both, albeit the increase among the directly involved (71.9% in 2005 from 63.8% in 2001) is significantly higher than among the non-involved (72.2% in 2005 from 68% in 2001).

The percentage of individuals that agree that it is affordable to bring a case to the court has increased from 75.5% in 2001 to 83% in 2005. Although this increasing trend is present whether or not respondents have previously experienced court proceedings, this percentage is significantly higher among the non-involved (77.4% in 2001 and 84.4% in 2005) than among those who have been directly involved (67.4% in 2001 and 75.7% in 2005). The difference along the urban-rural dimension is less marked, with this percentage being 84.4% in the rural and 81.1% in the urban areas (from about 75% in 2001 in both).

When given the statement that cases are not resolved in a timely manner, 86% tended to agree in 2001 while 80.3% did in 2005. This percentage is higher in urban areas (83.5% in 2005) than in rural ones (78% in 2005) and the decrease has been lower in the urban than the rural areas (from respectively 87% and 85.3% in 2001). This percentage doesn't vary significantly according to whether there has been previous involvement in court proceedings.

The percentage of people that agree that courts adequately monitor the progress of cases has decreased from 70.6% in 2001 to 65% in 2005. This percentage is much lower among the respondents who have

previously experienced court proceedings (53.1% in 2005) than among the non-involved (67.3% in 2005) and it has also decreased more sharply among the former group (from respectively 66.6% and 71.5% in 2001). This percentage is higher in the rural areas (68.3% in 2005) than in urban areas (60.2% in 2005) and it has decreased in both (from respectively 75.5% and 63.2% in 2001).

The percentage of people that agree that court personnel are helpful and courteous is quite low, but it has remained stable (42% in 2001 and 41.4% in 2005). From 2001 to 2005 this percentage decreased from 35.9% to 30% in the urban areas and increased from 46.2% to 49.6% in the rural areas. It is certainly worth emphasizing that, as of 2005, 70% of the urban population disagrees with that statement. This percentage is lower among respondents that have previously experienced court proceedings than among those not so involved (respectively 34.1% and 42.9% in 2005).

In sum, except for the courts' monitoring of the progress of cases, the general assessment of the courts has improved between 2001 and 2005. Typically the rural population gives the courts and their development a "higher grade" than the urban population and so do the respondents not having previously experienced court proceedings when compared to those that have been directly involved with the courts.

12. What are the courts doing poorly?

This section of the report focuses on the issues that respondents think are problems in the functioning of the courts¹². Respondents were presented with nine options (plus 'other') and asked which were the most important of these that the courts in their community were doing poorly. (These options are listed in Table 4.) Respondents could choose to name none or all of these. Approximately 50% of the respondents choose to name only one, while 5% of the respondents named six or more. The results are summarized in Table 4. (This question was not administered in the November 2001 survey.)

As one can see from Table 4, the issues where the local courts got the worst "grades" in 2003 were "bad service", "corruption" and the "flow in legislation and law enforcement". As of 2005 though, "bad service" and the "flow" were still a concern for the interviewed, although the individuals that viewed "bad service" as a problem had decreased from 46.7% to 30.4%. Furthermore, in 2005 "corruption" had ceased to be the problem that it was perceived to be in 2003, with just 17.7% (as opposed to the previous 38.9%) of the individuals thinking that it was an important problem. Poor management has also been perceived to be less of problem in 2005 (13% as opposed to the 22.1% in 2003) and the same goes for the "low level of professionalism and knowledge" (12.6% in 2005 from 25% in 2003). On the other hand, "low income of court personnel" has clearly become much more of a concern in 2005, when 32.6% of the interviewed thought that it was an important problem as opposed to the 20.9% in 2003.

¹² Because fairly comprehensive data is reported in the tables in the text in this section, there are no appendix tables corresponding to this section.

Table 4. Respondents perceptions of the factors leading to poor court performance
Percentage of respondents naming each factor

	Survey	
	May-03	Mar-05
Poor Management	22.12	13.01
Bad Personnel	13.31	8.76
Bad Service	46.65	30.41
Low Level of Professionalism & Knowledge	24.98	12.64
Flow in Legislation & Law Enforcement	26.71	25.9
'Ethical violations/ alcoholism'	23.38	24.66
Corruption	38.93	17.73
Low Income of Court Personnel	20.93	32.56
Other	1.3	17.81

The percentage of people that think that any particular important issue is poorly performed is higher in the urban areas than in the rural ones for all the suggested issues (Table 5). On some issues the differences are small enough to be considered insignificant and in some others the perceptions of the problematic issues differ by a larger amount. Bad service seems to be much more of a concern in urban areas (44.1%) than in rural ones (34.5%) and so do corruption (33.5% in urban and 24.5% in rural areas) and low income of court personnel (34.1% in urban and 21.6% in rural areas).

Table 5. Respondents' perceptions of the factors leading to poor court performance
Percentage of respondents naming each factor, by urban versus rural residence

	Area	
	Urban	Rural
Poor Management	21.71	14.6
Bad Personnel	10.54	11.37
Bad Service	44.14	34.5
Low Level of Professionalism & Knowledge	19.25	18.45
Flow in Legislation & Law Enforcement	30.84	23.1
'Ethical violations/ alcoholism'	27.31	21.71
Corruption	33.59	24.54
Low Income of Court Personnel	34.11	21.59
Other	12	7.9

There are fewer significant differences between respondents who have previously experienced court proceedings and those not so involved in terms of the citing of issues done poorly by the courts (Table 6). Bad service is one the few issues where the difference among the two groups is large enough to be significant, with 43.4% of the involved and 37.7% of the non-involved thinking that this is an issue where the community courts perform poorly. The difference is also non-negligible in the cases of bad personnel

(10.3% among the involved and 14.6% among the non-involved) and corruption (31.5% among the involved and 27.6% among the non-involved).

Table 6. Respondents' perceptions of the factors leading to poor court performance

Percentage of respondents naming each factor, by urban versus rural residence by court involvement

	Court Involvement	
	Non-involved	Involved
Poor Management	17.56	17.47
Bad Personnel	10.25	14.6
Bad Service	37.42	43.44
Low Level of Professionalism & Knowledge	19.02	17.7
Flow in Legislation & Law Enforcement	25.95	27.92
'Ethical violations/ alcoholism'	23.61	25.92
Corruption	27.6	31.45
Low Income of Court Personnel	26.68	27.18
Other	9.36	10.67

13. What are the courts doing well?

Analogously to the previous one, this section of the report focuses on the tasks that respondents think the courts are doing well¹³. Respondents were presented with six options (plus 'other') and asked which were the most important of these that the courts in their community were doing well. (These options are listed in Table 7). Respondents could choose to name none or all of these. Approximately two-thirds of the respondents choose to name only one, while none of the respondents named more than three. (This question was not administered in the November 2001 survey.)

The results are reported in Table 7. "Good management & organization", "good personnel", and "high level of professionalism and knowledge" are the fields where local courts score the highest grades. The percentage of individuals who think that local courts are performing well in these areas has been stable from 2003 to 2005, with a slight decrease in "good management" and "high level of professionalism" (respectively from 23.8% to 20.7% and from 28.8% to 26.6%) and a slight increase in "good personnel" (from 20.9% to 24.8%).

¹³ Because fairly comprehensive data is reported in the tables in the text in this section, there are no appendix tables corresponding to this section.

Table 7. Respondents' perceptions of the factors leading to good court performance
Percentage of respondents naming each factor

	May-03	Mar-05
Good Management & Organization	23.8	20.65
Good Personnel	20.91	24.82
Good Service	12.73	6.45
High Level of Professionalism & Knowledge	28.82	26.63
Fair Treatment	13.63	9.89
Legislation & Law Enforcement	7.78	8.7
Other	2.8	6.61

There is no significant difference among urban and rural residents when assessing the important areas where the community courts are doing a good job. The high level of professionalism is clearly believed to be the strongest point of community courts in both areas. That makes the fact that "good service" is the less appreciated issue somewhat contradictory, unless one assumes that the court personnel are carrying out their activities well, but under very difficult circumstances, such as very tight time and resource constraints. "Legislation & law enforcement" and "fair treatment" are relatively low scorers in both areas.

Table 8. Respondents' perceptions of the factors leading to good court performance
Percentage of respondents naming each factor, by urban versus rural residence

	Area	
	Urban	Rural
Good Management & Organization	20.52	23.42
Good Personnel	24.01	22.07
Good Service	8.08	10.63
High Level of Professionalism & Knowledge	29.36	26.55
Fair Treatment	11.16	12.17
Legislation & Law Enforcement	8.55	8.03
Other	5.14	4.41

There are also no significant differences between respondents who have previously experienced court proceedings and those not so involved in terms in the percentages of people who think that various selected issues are performed well. (See Table 9) The only significant exception is "good personnel", on which 23.9% of the non-involved and just 18.3% of the involved think that the courts are providing a good performance. "Good service", "legislation & law enforcement" and "fair treatment" are again the lowest scorers in both groups.

Table 9. Respondents' perceptions of the factors leading to good court performance
Percentage of respondents naming each factor, by court involvement

	Court Involvement
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	Non-involved (%)	Involved (%)
Good Management & Organization	22.5	20.92
Good Personnel	23.86	18.3
Good Service	9.61	9.42
High Level of Professionalism & Knowledge	27.35	29.41
Fair Treatment	11.94	10.85
Legislation & Law Enforcement	8.39	7.56
Other	4.77	4.43

14. What do the courts need to improve?

Analogously to two previous sections, this section reports on the tasks that respondents think the courts can improve¹⁴. Respondents were presented with eight options (plus 'other') and asked which were the most important of these in terms of improving the operations of courts in their community. (These options are listed in Table 10.) Respondents could choose to name none or all of these. Approximately 50% of the respondents choose to name only one, while 5% of the respondents named six or more. The results are summarized in Table 10. (This question was not administered in the November 2001 survey.)

As of 2003, almost all of the issues posed by the survey received strong support, with at least 20% of the individuals thinking almost all the suggested issues (curiously except for courts' independence) needed to be dealt with and were important items for improving the operations of the courts. The highest scorers were the "improved level of professionalism & knowledge" (47%), "fair treatment" (54%) and "strong control of courts" (47.7%). As of 2005 the percentage of people thinking that any of the suggested issues should be improved decreased significantly, pointing strongly to a perceived improvement in most of the issues. This is very consistent with the results in the above section reporting on what the courts are doing poorly. "Fair treatment" (35.1%) and "strong control of courts" (26.1%) are still perceived as areas where improvement is needed most and "improving legislation and law enforcement" has emerged as such an area (its relative percentage is higher than in 2003).

Table 10. Respondents' perceptions of the factors that would improve court performance
Percentage of respondents naming each factor

	Survey	
	May-03	Mar-05
Improve Management & Organization	34.91	17.63
Improve Level of Professionalism & Knowledge	46.98	21.88
Fair Treatment	54.89	35.09
Improve Legislation & Law Enforcement	37.95	27.23
Strong control of Courts	47.71	26.11

¹⁴ Because fairly comprehensive data is reported in the tables in the text in this section, there are no appendix tables corresponding to this section.

Increase Courts' Budget	21.14	14.39
Independent Court	17.78	16.33
Increase Income of personnel	27.73	21.13
Other	1.44	0.9

Urban residents suggest there are more areas of improvement than do rural residents. (See Table 11) Urban residents are much more aware of the importance of independent courts (23.1% in urban and 12.8% in rural areas). The same remark is valid for the increase in personnel income; in the urban areas 32.7% of the individuals think that this is important to achieve a better performance while this percentage in rural areas is just 18.6%. "Fair treatment" is the issue that most people point to in both areas, although there is a fairly obvious difference between the percentages of people that suggest it in the urban areas (49.4%) and those in the rural areas (41.8%).

Table 11. Respondents' perceptions of the factors that would improve court performance
Percentage of respondents naming each factor, by urban versus rural residence

	Urban (%)	Rural (%)
	32.02	22.14
Improve Level of Professionalism & Knowledge	35.18	33.81
Fair Treatment	49.37	41.82
Improve Legislation & Law Enforcement	34.19	31.42
Strong control of Courts	39.07	35.29
Increase Courts' Budget	21.03	15.43
Independent Court	23.07	12.8
Increase Income of personnel	32.65	18.6
Other	1.42	1

There are few significant differences between respondents who have previously experienced court proceedings and those not so involved in terms in the percentages of people who attach importance to the various issues that need to be improved in the courts. (See Table 12) Slight exceptions are "fair treatment" where the previously involved (51.6%) have more concerns than the non-involved (43.5%) and "independent courts", thought to be important for a better performance by 16.5% of the non-involved and 19.7% of the involved.

Table 12. Respondents' perceptions of the factors that would improve court performance
Percentage of respondents naming each factor, by court involvement

	Court Involvement	
	Non-involved (%)	Involved (%)
Improve Management & Organization	25.7	28.69
Improve Level of Professionalism & Knowledge	34.32	34.62
Fair Treatment	43.51	51.58
Improve Legislation & Law Enforcement	32.24	34.09
Strong control of Courts	36.22	39.8
Increase Courts' Budget	17.85	17.25
Independent Court	16.47	19.73
Increase Income of personnel	23.91	26.74
Other	1.02	1.87

15. Respondents' feelings about changes in courts in their community¹⁵.

In the 2003 and 2005 surveys, respondents were asked "How do you feel about courts in your community when compared with the situation one year back?". In 2003 the percentage of individuals that responded "the situation has improved" was 15.2% and in 2005 it was 12.5%. The percentage of individuals that felt that the situation had deteriorated was relatively low (7.7% in 2003 and 8.2% in 2005) in both years. The vast majority in both years thinks the situation has remained the same.

Typically, the percentage of individuals that think that the situation has improved is higher in the rural areas. It is worth noticing though, that in the rural areas this percentage has decreased from 17.2% in 2003 to 12.8% in 2005, whereas in the urban areas it has remained stable at around 12%. When comparing the answers of respondents who have previously experienced court proceedings and those not so involved, one finds that although the percentage of individuals who think that the situation has improved is higher among the involved in 2003 (17.1% vs. 14.8% among the non-involved), in 2005 this percentage is slightly higher among the non-involved (12.5% vs. 12.2% among the involved).

¹⁵ Appendix 9 contains the tables on which this section's analysis is based.

Appendix: Tables summarizing the basic data

APPENDIX 1: TABLES FOR REPORT SECTION "CONFIDENCE IN THE COURTS"

Table A.1.1 Confidence in the Mongolian Supreme Court, by previous court involvement
Percentage of respondents expressing confidence

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	69.1	70.4	73.1	70.9
Some	57.4	66.3	61.5	61.8
Total	66.8	69.6	71.3	69.3

Table A.1.2 Confidence and trust in the Mongolian Supreme Court, by area of residence
Percentage of respondents expressing confidence

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	57.2	61.5	67.4	62.1
Rural	73.3	75.2	74.1	74.2
Total	66.8	69.6	71.3	69.3

Table A.1.3 Confidence in the Tssets, by previous court involvement
Percentage of respondents expressing confidence

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	73.8	71.4	74.4	73.2
Some	75.8	66.5	69.6	70.6
Total	74.2	70.4	73.7	72.7

Table A.1.4 Confidence in the Tssets, by area of residence
Percentage of respondents expressing confidence

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	66.2	62.2	69.0	65.8
Rural	79.6	76.0	77.0	77.6
Total	74.2	70.4	73.7	72.7

Table A.1.5 Confidence in the local courts, by previous court involvement
Percentage of respondents expressing confidence

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	45.9	51.7	57.8	51.9
Some	34.0	43.4	44.6	40.5
Total	43.6	50.1	55.7	49.8

Table A.1.6 Confidence in the local courts, by area of residence
Percentage of respondents expressing confidence

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	40.5	43.4	50.1	44.8
Rural	45.7	54.5	59.6	53.2
Total	43.6	50.1	55.7	49.8

Table A.1.7 Confidence in the office of the aimag governor, by previous court involvement
Percentage of respondents expressing confidence

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	55.3	62.6	62.1	60.1
Some	44.3	57.2	52.0	51.2
Total	53.2	61.6	60.5	58.5

Table A.1.8 Confidence in the office of the aimag governor, by area of residence
Percentage of respondents expressing confidence

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	48.7	55.3	51.7	51.9
Rural	56.2	65.8	66.8	62.9
Total	53.2	61.6	60.5	58.5

Table A.1.9 Confidence in the local police, by previous court involvement
Percentage of respondents expressing confidence

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	44.9	51.2	53.9	50.1
Some	30.0	41.7	39.9	37.2
Total	42.1	49.3	51.7	47.7

Table A.1.10 Confidence in the local police, by area of residence
Percentage of respondents expressing confidence

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	38.9	42.9	44.1	42.0
Rural	44.1	53.6	57.3	51.7
Total	42.1	49.3	51.7	47.7

Table A.1.11 Confidence in the legislature, by previous court involvement
Percentage of respondents expressing confidence

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	50.5	56.6	60.5	55.9
Some	35.2	49.2	50.9	44.9
Total	47.5	55.1	58.9	53.9

Table A.1.12 Confidence in the legislature, by area of residence
Percentage of respondents expressing confidence

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	42.6	49.2	47.2	46.4

Rural		50.8	59.2	67.7	59.2
Total		47.5	55.1	58.9	53.9

APPENDIX 2: TABLES FOR REPORT SECTION "HOW WERE DIFFERENT CASES HANDLED BY THE LOCAL COURTS?"

Table A.2.1 How courts handle civil cases
Percentage of respondents rating good, fair, or poor

how courts in your community handle civil cases?	Year of Survey			Total
	2001	2003	2005	
Good	30.24	26.22	28.38	28.27
Fair	51.01	57.97	53.29	54.10
Poor	18.75	15.81	18.33	17.63
Total	100.00	100.00	100.00	100.00

Table A.2.2 How courts handle criminal cases
Percentage of respondents rating good, fair, or poor

how courts in your community handle criminal cases?	Year of Survey			Total
	2001	2003	2005	
Good	27.57	27.68	33.08	29.46
Fair	37.76	44.13	37.41	39.77
Poor	34.67	28.19	29.51	30.77
Total	100.00	100.00	100.00	100.00

Table A.2.3 How courts handle family relations cases
Percentage of respondents rating good, fair, or poor

how courts in your community handle family relations cases?	Year of Survey			Total
	2001	2003	2005	
Good	40.81	34.60	33.85	36.41
Fair	44.07	51.64	50.12	48.63
Poor	15.12	13.76	16.04	14.97
Total	100.00	100.00	100.00	100.00

Table A.2.4 How courts handle civil cases, by previous court involvement

Percentage of respondents rating good, fair, or poor

-> Court_Involvement = None

how courts in your community handle civil cases?	Year of Survey			
	2001	2003	2005	Total
Good	30.90	26.26	28.69	28.61
Fair	51.96	59.34	54.01	55.09
Poor	17.14	14.40	17.30	16.30
Total	100.00	100.00	100.00	100.00

-> Court_Involvement = Some

how courts in your community handle civil cases?	Year of Survey			
	2001	2003	2005	Total
Good	27.45	26.06	26.74	26.73
Fair	47.02	52.45	49.44	49.70
Poor	25.53	21.50	23.83	23.57
Total	100.00	100.00	100.00	100.00

Table A.2.5 How courts handle criminal cases, by previous court involvement
Percentage of respondents rating good, fair, or poor

-> Court_Involvement = None

how courts in your community handle criminal cases?	Year of Survey			Total
	2001	2003	2005	
Good	28.74	28.37	33.24	30.17
Fair	39.09	45.68	38.38	41.01
Poor	32.17	25.95	28.38	28.82
Total	100.00	100.00	100.00	100.00

-> Court_Involvement = Some

how courts in your community handle criminal cases?	Year of Survey			Total
	2001	2003	2005	
Good	22.68	24.90	32.20	26.25
Fair	32.14	37.86	32.28	34.26
Poor	45.18	37.25	35.51	39.49
Total	100.00	100.00	100.00	100.00

Table A.2.6 How courts handle family relations cases, by previous court involvement
Percentage of respondents rating good, fair, or poor

-> Court_Involvement = None

how courts in your community handle family relations cases?	Year of Survey			
	2001	2003	2005	Total
Good	40.13	34.27	33.52	35.93
Fair	45.14	52.78	50.77	49.59
Poor	14.73	12.95	15.71	14.48
Total	100.00	100.00	100.00	100.00

-> Court_Involvement = Some

how courts in your community handle family relations cases?	Year of Survey			
	2001	2003	2005	Total
Good	43.61	35.91	35.60	38.52
Fair	39.62	47.07	46.65	44.34
Poor	16.76	17.02	17.75	17.14
Total	100.00	100.00	100.00	100.00

Table A.2.7 How courts handle civil cases, by area of residence
Percentage of respondents rating good, fair, or poor

-> Urban_or_Rural = Urban

how courts in your community handle civil cases?	Year of Survey			Total
	2001	2003	2005	
Good	22.23	22.78	26.16	23.77
Fair	51.00	56.92	51.27	53.05
Poor	26.78	20.30	22.57	23.17
Total	100.00	100.00	100.00	100.00

-> Urban_or_Rural = Rural

how courts in your community handle civil cases?	Year of Survey			Total
	2001	2003	2005	
Good	35.56	28.55	29.99	31.36
Fair	51.02	58.68	54.74	54.83
Poor	13.42	12.77	15.27	13.81
Total	100.00	100.00	100.00	100.00

Table A.2.8 How courts handle criminal cases, by area of residence
Percentage of respondents rating good, fair, or poor

-> Urban_or_Rural = Urban

how courts in your community handle criminal cases?	Year of Survey			Total
	2001	2003	2005	
Good	25.12	24.85	35.79	28.73
Fair	36.35	41.46	33.90	37.19
Poor	38.53	33.69	30.31	34.08
Total	100.00	100.00	100.00	100.00

-> Urban_or_Rural = Rural

how courts in your community handle criminal cases?	Year of Survey			Total
	2001	2003	2005	
Good	29.20	29.60	31.09	29.96
Fair	38.69	45.93	39.98	41.55
Poor	32.10	24.47	28.93	28.49
Total	100.00	100.00	100.00	100.00

Table A.2.9 How courts handle family relations cases, by area of residence
Percentage of respondents rating good, fair, or poor

-> Urban_or_Rural = Urban

how courts in your community handle family relations cases?	Year of Survey			
	2001	2003	2005	Total
Good	35.77	32.13	34.01	33.96
Fair	45.95	53.30	48.02	49.10
Poor	18.28	14.57	17.97	16.94
Total	100.00	100.00	100.00	100.00

-> Urban_or_Rural = Rural

how courts in your community handle family relations cases?	Year of Survey			
	2001	2003	2005	Total
Good	44.12	36.26	33.72	38.09
Fair	42.83	50.53	51.65	48.30
Poor	13.05	13.21	14.63	13.62
Total	100.00	100.00	100.00	100.00

APPENDIX 3: TABLES FOR REPORT SECTION "SATISFACTION WITH COURT EXPERIENCE"

Table A.3.1 How did you feel about your experience in court, by previous court involvement
Percentage of respondents answering positive, neutral or negative

-> Court_Involvement = None

how did you feel about your experience in a court?	Year of Survey			Total
	2001	2003	2005	
Positive	35.50	55.63	42.15	44.53
Fair	46.21	41.41	50.68	45.99
Negative	18.30	2.96	7.17	9.48
Total	100.00	100.00	100.00	100.00

-> Court_Involvement = Some

how did you feel about your experience in a court?	Year of Survey			Total
	2001	2003	2005	
Positive	32.49	30.81	32.12	31.76
Fair	40.94	48.51	45.62	45.12
Negative	26.57	20.68	22.26	23.12
Total	100.00	100.00	100.00	100.00

Table A.3.2 How did you feel about your experience in court, by area of residence
Percentage of respondents answering positive, neutral or negative

-> Urban_or_Rural = Urban

how did you feel about your experience in a court?	Year of Survey			Total
	2001	2003	2005	
Positive	30.54	38.93	31.25	33.87
Fair	41.46	47.38	50.58	46.23
Negative	28.00	13.69	18.17	19.90
Total	100.00	100.00	100.00	100.00

-> Urban_or_Rural = Rural

how did you feel about your experience in a court?	Year of Survey			Total
	2001	2003	2005	
Positive	35.54	33.64	37.01	35.34
Fair	42.76	46.63	44.03	44.54
Negative	21.70	19.72	18.96	20.13
Total	100.00	100.00	100.00	100.00

APPENDIX 4: TABLES FOR REPORT SECTION "SETTLING A DISPUTE WITHOUT RESORTING TO THE COURTS"

Table A.4.1 The settlement was fair, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	68.8	81.3	68.0	73.0
Some	60.2	72.2	62.6	65.5
Total	65.6	77.8	66.1	70.3

Table A.4.2 The settlement was fair, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	66.0	76.0	58.6	67.3
Rural	65.0	79.6	73.1	73.4
Total	65.6	77.8	66.1	70.3

Table A.4.3 The settlement was quick, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	60.5	66.2	56.5	61.2
Some	50.6	63.4	52.1	56.0
Total	56.8	65.1	55.0	59.3

Table A.4.4 The settlement was quick, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	63.2	57.0	47.2	56.2
Rural	48.0	72.8	62.2	62.6
Total	56.8	65.1	55.0	59.3

Table A.4.5 I was satisfied with the settlement, by previous court involvement
Percentage of respondents that agree

Court	Year of Survey			
	2001	2003	2005	Total

Involvement?	2001	2003	2005	Total
None	66.5	73.6	60.7	67.1
Some	52.8	64.5	52.5	57.3
Total	61.4	70.1	57.9	63.5

Table A.4.6 I was satisfied with the settlement, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	61.2	69.1	52.2	61.2
Rural	61.7	70.9	63.1	65.8
Total	61.4	70.1	57.9	63.5

Table A.4.7 The process was easy to understand, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	79.0	80.7	70.3	76.8
Some	63.4	72.2	67.9	68.1
Total	73.2	77.5	69.5	73.6

Table A.4.8 The process was easy to understand, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	68.7	75.8	65.8	70.3
Rural	79.4	79.0	72.8	77.0
Total	73.2	77.5	69.5	73.6

Table A.4.9 I would prefer this to have been decided in court, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	34.6	37.0	42.6	38.1
Some	55.7	52.7	54.2	54.1

Total		42.3	42.9	46.7	43.9
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Table A.4.10 I would prefer this to have been decided in court, by area of residence
Percentage of respondents that agree

Urban/Rural		Year of Survey			Total
		2001	2003	2005	
Urban		43.2	33.8	46.5	40.9
Rural		40.9	51.5	46.9	47.1
Total		42.3	42.9	46.7	43.9

APPENDIX 5: TABLES FOR REPORT SECTION "EXPECTATIONS ABOUT THE EXPERIENCE OF BEING INVOLVED WITH COURTS"

Table A.5.1 I would know how the process works, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	56.1	62.5	53.0	57.2
Some	79.8	80.9	75.0	78.8
Total	60.8	66.2	56.5	61.2

Table A.5.2 I would know how the process works, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	63.2	63.1	50.8	58.9
Rural	59.2	68.3	60.5	62.7
Total	60.8	66.2	56.5	61.2

Table A.5.3 I would know where to turn for help, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	73.5	78.4	66.1	72.6
Some	85.7	89.5	81.1	85.8
Total	75.9	80.6	68.5	75.0

Table A.5.4 I would know where to turn for help, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	76.8	78.7	68.3	74.5
Rural	75.4	81.9	68.6	75.3
Total	75.9	80.6	68.5	75.0

Table A.5.5 The court personnel would assist me in the process, by previous court involvement
Percentage of respondents that agree

Court	Year of Survey			
	2001	2003	2005	Total

Involvement?	2001	2003	2005	Total
None	77.6	80.6	71.5	76.5
Some	65.3	72.5	57.3	65.6
Total	75.2	79.0	69.3	74.5

Table A.5.6 The court personnel would assist me in the process, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	66.1	75.2	65.5	69.0
Rural	81.2	81.6	72.0	78.3
Total	75.2	79.0	69.3	74.5

Table A.5.7 Court procedures are too complicated to understand, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	74.3	75.6	76.9	75.6
Some	73.2	69.3	72.1	71.5
Total	74.1	74.4	76.1	74.8

Table A.5.8 Court procedures are too complicated to understand, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	68.4	76.6	76.6	74.0
Rural	77.8	72.9	75.8	75.4
Total	74.1	74.4	76.1	74.8

Table A.5.9 It would take very long for the court to decide, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	84.6	87.0	86.4	86.0
Some	85.2	84.8	85.5	85.1

Total	84.7	86.6	86.3	85.9
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Table A.5.10 It would take very long for the court to decide, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	84.4	90.5	87.0	87.4
Rural	84.8	83.9	85.7	84.8
Total	84.7	86.6	86.3	85.9

Table A.5.11 The court decision would not solve the problem, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	65.6	61.5	55.3	60.7
Some	64.3	59.2	58.5	60.7
Total	65.3	61.1	55.8	60.7

Table A.5.12 The court decision would not solve the problem, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	60.9	63.6	56.7	60.4
Rural	68.3	59.4	55.3	60.9
Total	65.3	61.1	55.8	60.7

Table A.5.13 The court is very easy to get to, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	60.2	66.0	56.1	60.8
Some	61.9	68.2	57.6	63.0
Total	60.5	66.5	56.4	61.2

Table A.5.14 The court is very easy to get to, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	64.2	66.0	56.4	62.1
Rural	58.1	66.8	56.4	60.5
Total	60.5	66.5	56.4	61.2

Table A.5.15 Are you informed about the courts in your community, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	23.9	30.1	30.8	28.3
Some	59.3	61.6	60.7	60.5
Total	30.6	36.3	35.6	34.2

Table A.5.16 Are you informed about the courts in your community, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	32.9	35.1	34.9	34.3
Rural	29.1	37.1	36.1	34.1
Total	30.6	36.3	35.6	34.2

Table A.5.17 How courts treat men
Percentage of respondents responding better, same or worse

How courts treat different groups: men	Year of Survey			
	2001	2003	2005	Total
Better	9.44	6.42	6.01	7.26
Same	72.51	81.36	80.72	78.28
Worse	18.04	12.22	13.27	14.46
Total	100.00	100.00	100.00	100.00

Table A.5.18 How courts treat women

Percentage of respondents responding better, same or worse

How courts treat different groups: women	Year of Survey			Total
	2001	2003	2005	
Better	9.15	10.42	9.57	9.72
Same	72.89	79.94	80.06	77.71
Worse	17.96	9.63	10.37	12.57
Total	100.00	100.00	100.00	100.00

Table A.5.19 How courts treat wealthy people

Percentage of respondents responding better, same or worse

How courts treat different groups: the wealthy	Year of Survey			Total
	2001	2003	2005	
Better	90.46	88.00	89.76	89.40
Same	8.86	11.39	9.66	9.98
Worse	0.68	0.61	0.58	0.63
Total	100.00	100.00	100.00	100.00

Table A.5.20 How courts treat people with influential official position
Percentage of respondents responding better, same or worse

How courts treat different groups: people in influential official positions	Year of Survey			Total
	2001	2003	2005	
Better	91.13	88.82	92.53	90.83
Same	8.14	10.59	7.10	8.60
Worse	0.73	0.59	0.37	0.56
Total	100.00	100.00	100.00	100.00

Table A.5.21 How courts treat relatives of court personnel
Percentage of respondents responding better, same or worse

How courts treat different groups: relatives or friends of court personnel	Year of Survey			Total
	2001	2003	2005	
Better	87.24	87.87	90.35	88.51
Same	12.17	11.70	9.25	11.02
Worse	0.59	0.43	0.40	0.47
Total	100.00	100.00	100.00	100.00

Table A.5.22 How courts treat foreigners
Percentage of respondents responding better, same or worse

How courts treat different groups: foreigners	Year of Survey			Total
	2001	2003	2005	
Better	50.16	47.76	52.66	50.18
Same	43.67	46.57	41.86	44.04
Worse	6.17	5.67	5.48	5.77
Total	100.00	100.00	100.00	100.00

Table A.5.23 How courts treat men, by area of residence
Percentage of respondents responding better, same or worse

-> Urban_or_Rural = Urban

How courts treat different groups: men	Year of Survey			Total
	2001	2003	2005	
Better	11.98	8.21	5.88	8.58
Same	74.01	77.86	81.79	78.03
Worse	14.02	13.92	12.33	13.39
Total	100.00	100.00	100.00	100.00

-> Urban_or_Rural = Rural

How courts treat different groups: men	Year of Survey			Total
	2001	2003	2005	
Better	7.75	5.18	6.10	6.33
Same	71.51	83.76	79.94	78.46
Worse	20.74	11.06	13.96	15.21
Total	100.00	100.00	100.00	100.00

Table A.5.24 How courts treat women, by area of residence
Percentage of respondents responding better, same or worse

-> Urban_or_Rural = Urban

How courts treat different groups: women	Year of Survey			Total
	2001	2003	2005	
Better	8.19	11.31	11.01	10.22
Same	75.14	77.57	79.22	77.38
Worse	16.68	11.11	9.78	12.41
Total	100.00	100.00	100.00	100.00

-> Urban_or_Rural = Rural

How courts treat different groups: women	Year of Survey			Total
	2001	2003	2005	
Better	9.80	9.81	8.50	9.37
Same	71.38	81.57	80.69	77.94
Worse	18.82	8.62	10.80	12.69
Total	100.00	100.00	100.00	100.00

Table A.5.25 How courts treat wealthy people, by area of residence
Percentage of respondents responding better, same or worse

-> Urban_or_Rural = Urban

How courts treat different groups: the wealthy	Year of Survey			
	2001	2003	2005	Total
Better	91.57	93.43	92.60	92.54
Same	7.80	5.65	6.87	6.76
Worse	0.63	0.92	0.54	0.69
Total	100.00	100.00	100.00	100.00

-> Urban_or_Rural = Rural

How courts treat different groups: the wealthy	Year of Survey			
	2001	2003	2005	Total
Better	89.71	84.30	87.68	87.20
Same	9.57	15.30	11.71	12.22
Worse	0.72	0.40	0.62	0.58
Total	100.00	100.00	100.00	100.00

Table A.5.26 How courts treat people with influential official position , by area of residence
Percentage of respondents responding better, same or worse

-> Urban_or_Rural = Urban

How courts treat different groups: people in influential official positions	Year of Survey			Total
	2001	2003	2005	
Better	92.92	94.14	94.18	93.77
Same	6.59	5.06	5.25	5.61
Worse	0.49	0.80	0.57	0.62
Total	100.00	100.00	100.00	100.00

-> Urban_or_Rural = Rural

How courts treat different groups: people in influential official positions	Year of Survey			Total
	2001	2003	2005	
Better	89.92	85.18	91.33	88.79
Same	9.18	14.37	8.44	10.69
Worse	0.89	0.45	0.23	0.52
Total	100.00	100.00	100.00	100.00

Table A.5.27 How courts treat relatives of court personnel, by area of residence
Percentage of respondents responding better, same or worse

-> Urban_or_Rural = Urban

How courts treat different groups: relatives or friends of court personnel	Year of Survey			
	2001	2003	2005	Total
Better	89.55	93.49	94.27	92.51
Same	10.18	5.95	5.13	7.01
Worse	0.27	0.56	0.60	0.48
Total	100.00	100.00	100.00	100.00

-> Urban_or_Rural = Rural

How courts treat different groups: relatives or friends of court personnel	Year of Survey			
	2001	2003	2005	Total
Better	85.68	84.02	87.45	85.70
Same	13.51	15.64	12.30	13.83
Worse	0.81	0.34	0.25	0.47
Total	100.00	100.00	100.00	100.00

Table A.5.28 How courts treat foreigners, by area of residence
Percentage of respondents responding better, same or worse

-> Urban_or_Rural = Urban

How courts treat different groups: foreigners	Year of Survey			Total
	2001	2003	2005	
Better	61.90	58.69	60.09	60.20
Same	33.45	34.86	35.06	34.48
Worse	4.64	6.45	4.84	5.32
Total	100.00	100.00	100.00	100.00

-> Urban_or_Rural = Rural

How courts treat different groups: foreigners	Year of Survey			Total
	2001	2003	2005	
Better	42.28	40.10	47.03	43.08
Same	50.52	54.78	47.01	50.83
Worse	7.19	5.12	5.97	6.09
Total	100.00	100.00	100.00	100.00

Table A.5.29 How courts treat men, by previous court involvement
Percentage of respondents responding better, same or worse

-> Court_Involvement = None

How courts treat different groups: men	Year of Survey			Total
	2001	2003	2005	
Better	10.17	6.07	5.99	7.36
Same	72.67	82.36	81.21	78.85
Worse	17.16	11.58	12.80	13.79
Total	100.00	100.00	100.00	100.00

-> Court_Involvement = Some

How courts treat different groups: men	Year of Survey			Total
	2001	2003	2005	
Better	6.33	7.84	6.10	6.81
Same	71.85	77.30	78.14	75.70
Worse	21.81	14.86	15.76	17.49
Total	100.00	100.00	100.00	100.00

Table A.5.30 How courts treat women, by previous court involvement
Percentage of respondents responding better, same or worse

-> Court_Involvement = None

How courts treat different groups: women	Year of Survey			Total
	2001	2003	2005	
Better	9.57	9.91	9.48	9.65
Same	73.35	81.08	80.68	78.47
Worse	17.07	9.01	9.84	11.88
Total	100.00	100.00	100.00	100.00

-> Court_Involvement = Some

How courts treat different groups: women	Year of Survey			Total
	2001	2003	2005	
Better	7.35	12.51	10.05	10.03
Same	70.94	75.29	76.79	74.25
Worse	21.71	12.20	13.16	15.72
Total	100.00	100.00	100.00	100.00

Table A.5.31 How courts treat wealthy people, by previous court involvement
Percentage of respondents responding better, same or worse

-> Court_Involvement = None

How courts treat different groups: the wealthy	Year of Survey			Total
	2001	2003	2005	
Better	90.25	87.60	89.57	89.14
Same	8.95	11.83	9.98	10.26
Worse	0.79	0.56	0.45	0.60
Total	100.00	100.00	100.00	100.00

-> Court_Involvement = Some

How courts treat different groups: the wealthy	Year of Survey			Total
	2001	2003	2005	
Better	91.33	89.63	90.76	90.55
Same	8.45	9.57	7.96	8.71
Worse	0.22	0.80	1.28	0.75
Total	100.00	100.00	100.00	100.00

Table A.5.32 How courts treat people with influential position, by previous court involvement
Percentage of respondents responding better, same or worse

-> Court_Involvement = None

How courts treat different groups: people in influential official positions	Year of Survey			Total
	2001	2003	2005	
Better	90.88	88.93	92.20	90.70
Same	8.32	10.57	7.36	8.72
Worse	0.80	0.50	0.44	0.58
Total	100.00	100.00	100.00	100.00

-> Court_Involvement = Some

How courts treat different groups: people in influential official positions	Year of Survey			Total
	2001	2003	2005	
Better	92.16	88.35	94.29	91.43
Same	7.40	10.67	5.71	8.07
Worse	0.44	0.98	0.00	0.50
Total	100.00	100.00	100.00	100.00

Table A.5.33 How courts treat relatives of court personnel, by previous court involvement
Percentage of respondents responding better, same or worse

-> Court_Involvement = None

How courts treat different groups: relatives or friends of court personnel	Year of Survey			
	2001	2003	2005	Total
Better	87.14	87.90	90.28	88.48
Same	12.17	11.81	9.29	11.04
Worse	0.69	0.29	0.43	0.47
Total	100.00	100.00	100.00	100.00

-> Court_Involvement = Some

How courts treat different groups: relatives or friends of court personnel	Year of Survey			
	2001	2003	2005	Total
Better	87.66	87.75	90.76	88.61
Same	12.18	11.25	9.03	10.91
Worse	0.17	1.00	0.21	0.48
Total	100.00	100.00	100.00	100.00

Table A.5.34 How courts treat foreigners, by previous court involvement
Percentage of respondents responding better, same or worse

-> Court_Involvement = None

How courts treat different groups: foreigners	Year of Survey			Total
	2001	2003	2005	
Better	48.83	47.68	52.42	49.67
Same	44.36	46.65	42.04	44.33
Worse	6.81	5.67	5.54	5.99
Total	100.00	100.00	100.00	100.00

-> Court_Involvement = Some

How courts treat different groups: foreigners	Year of Survey			Total
	2001	2003	2005	
Better	55.78	48.10	53.93	52.48
Same	40.74	46.21	40.88	42.75
Worse	3.49	5.69	5.19	4.77
Total	100.00	100.00	100.00	100.00

APPENDIX 6: TABLES FOR REPORT SECTION "PERCEPTIONS ABOUT LOCAL COURTS"

Table A.6.1 Courts protect defendants constitutional rights, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	78.6	85.7	82.4	82.3
Some	64.9	78.7	77.3	73.6
Total	75.9	84.3	81.5	80.7

Table A.6.2 Courts protect defendants constitutional rights, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	78.2	80.9	78.1	79.1
Rural	74.3	86.7	84.0	81.8
Total	75.9	84.3	81.5	80.7

Table A.6.3 Judges are generally honest and fair in deciding cases, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	69.5	75.9	78.0	74.6
Some	56.3	66.5	62.9	62.0
Total	66.9	74.1	75.6	72.3

Table A.6.4 Judges are generally honest and fair in deciding cases, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	62.1	70.9	71.1	68.1
Rural	70.2	76.3	78.8	75.2
Total	66.9	74.1	75.6	72.3

Table A.6.5 Judges do not give the adequate time and attention to each case, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	72.8	71.3	67.5	70.4
Some	75.4	69.2	70.4	71.7
Total	73.3	70.9	68.0	70.7

Table A.6.6 Judges do not give the adequate time and attention to each case, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	72.2	72.5	68.3	71.0
Rural	74.0	69.7	67.7	70.4
Total	73.3	70.9	68.0	70.7

Table A.6.7 Courts are out of touch with what's going on in their communities, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	64.4	66.0	58.2	62.8
Some	65.9	64.4	55.1	62.3
Total	64.7	65.7	57.7	62.7

Table A.6.8 Courts are out of touch with what's going on in their communities, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	58.0	64.8	53.2	58.8
Rural	69.4	66.2	60.8	65.5
Total	64.7	65.7	57.7	62.7

Table A.6.9 Court rulings and decisions are understood by the people involved in cases, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total

None	81.5	83.1	71.3	78.5
Some	77.2	75.2	66.9	73.4
Total	80.6	81.5	70.6	77.6

Table A.6.10 Court rulings and decisions are understood by the people involved in cases, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	77.7	81.0	65.9	74.9
Rural	82.7	81.8	73.9	79.5
Total	80.6	81.5	70.6	77.6

Table A.6.11 Courts do not make sure their orders are enforced, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	72.2	69.7	58.7	66.8
Some	76.6	69.7	66.5	71.2
Total	73.1	69.7	60.0	67.6

Table A.6.12 Courts do not make sure their orders are enforced, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	73.3	71.3	60.6	68.4
Rural	72.9	68.6	59.6	67.0
Total	73.1	69.7	60.0	67.6

Table A.6.13 The media's portrayal of the courts is mostly accurate, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	76.5	77.0	73.5	75.6
Some	73.9	74.7	64.2	71.4
Total	76.0	76.6	72.0	74.8

Table A.6.14 The media's portrayal of the courts is mostly accurate, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	70.9	73.6	68.0	70.8
Rural	79.4	78.6	74.8	77.6
Total	76.0	76.6	72.0	74.8

Table A.6.15 Judges' decisions are based only in the facts presented to the law, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	82.2	86.9	84.1	84.4
Some	69.4	81.3	72.4	74.6
Total	79.7	85.8	82.2	82.6

Table A.6.16 Judges' decisions are based only in the facts presented to the law, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	81.5	83.9	79.8	81.7
Rural	78.4	87.1	84.0	83.2
Total	79.7	85.8	82.2	82.6

Table A.6.17 Judges' decisions are influenced by other government officials, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	78.5	79.1	73.1	76.8
Some	80.3	76.2	78.5	78.3
Total	78.8	78.5	73.9	77.1

Table A.6.18 Judges' decisions are influenced by other government officials, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	78.1	82.7	76.1	79.0
Rural	79.3	75.7	72.4	75.8
Total	78.8	78.5	73.9	77.1

Table A.6.19 When a person is at court against the government, generally the government is favored, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	84.1	80.8	75.6	80.1
Some	84.2	80.9	76.2	80.7
Total	84.2	80.8	75.7	80.2

Table A.6.20 When a person is at court against the government, generally the government is favored, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	83.9	82.6	82.7	83.1
Rural	84.3	79.6	70.7	78.2
Total	84.2	80.8	75.7	80.2

Table A.6.21 I would prefer that the judge ignore the law to ensure that a defendant is convicted, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	49.7	54.0	53.5	52.5
Some	41.8	54.9	47.7	48.3
Total	48.2	54.2	52.5	51.7

Table A.6.22 I would prefer that the judge ignore the law to ensure that a defendant is convicted, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	51.0	58.1	46.1	51.8
Rural	46.1	51.5	57.0	51.7
Total	48.2	54.2	52.5	51.7

APPENDIX 7: TABLES FOR REPORT SECTION "COSTS OF A DISPUTE"

Table A.7.1 Does the cost of hiring a lawyer significantly contribute to court costs, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	94.2	94.9	89.8	92.9
Some	95.4	96.0	93.4	95.0
Total	94.4	95.1	90.4	93.3

Table A.7.2 Does the cost of hiring a lawyer significantly contribute to court costs, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	95.5	96.3	93.1	94.9
Rural	93.7	94.3	88.4	92.1
Total	94.4	95.1	90.4	93.3

Table A.7.3 Do the court fees significantly contribute to court costs, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	81.5	82.3	71.5	78.4
Some	80.8	78.4	73.6	77.9
Total	81.4	81.5	71.9	78.3

Table A.7.4 Do the court fees significantly contribute to court costs, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	81.8	85.6	68.4	78.6
Rural	81.1	78.7	74.3	78.0
Total	81.4	81.5	71.9	78.3

Table A.7.5 Does the slow pace of justice significantly contribute to court costs, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	81.7	84.2	72.3	79.3
Some	86.9	82.1	76.3	82.1
Total	82.7	83.8	72.9	79.8

Table A.7.6 Does the slow pace of justice significantly contribute to court costs, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	84.7	85.6	75.8	82.0
Rural	81.4	82.6	71.0	78.3
Total	82.7	83.8	72.9	79.8

Table A.7.7 Does the complexity of law significantly contribute to court costs, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	74.0	72.8	60.7	69.1
Some	80.0	75.5	61.7	73.1
Total	75.2	73.4	60.8	69.8

Table A.7.8 Does the complexity of law significantly contribute to court costs, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	76.0	76.2	64.4	72.2
Rural	74.7	71.4	58.3	68.1
Total	75.2	73.4	60.8	69.8

Table A.7.9 Does the amount of personal time required significantly contribute to court costs, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	91.3	86.3	74.7	83.9
Some	92.1	85.6	79.3	86.0
Total	91.5	86.2	75.5	84.3

Table A.7.10 Does the complexity of law significantly contribute to court costs, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	90.6	87.8	82.7	87.0
Rural	92.1	85.0	70.3	82.4
Total	91.5	86.2	75.5	84.3

Table A.7.11 Does having to pay a bribe significantly contribute to court costs, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	89.4	85.1	78.7	84.3
Some	89.6	87.2	81.1	86.2
Total	89.4	85.5	79.1	84.6

Table A.7.12 Does having to pay a bribe significantly contribute to court costs, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	89.9	90.3	84.4	88.2
Rural	89.1	82.2	75.3	82.1

Total	89.4	85.5	79.1	84.6
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Table A.7.13 Does unethical behavior significantly contribute to court costs, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	76.1	73.1	59.5	69.4
Some	81.7	74.2	68.2	75.0
Total	77.2	73.3	61.0	70.5

Table A.7.14 Does unethical behavior significantly contribute to court costs, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	78.1	79.8	70.2	76.0
Rural	76.6	68.9	54.4	66.6
Total	77.2	73.3	61.0	70.5

APPENDIX 8: TABLES FOR REPORT SECTION "PERCEPTIONS ABOUT COURTS IN GENERAL"

Table A.8.1 When a person sues a company, the courts generally favor the company, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	87.4	84.0	83.0	84.8
Some	82.2	84.4	83.9	83.5
Total	86.4	84.1	83.2	84.5

Table A.8.2 When a person sues a company, the courts generally favor the company, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	82.8	84.3	86.4	84.5
Rural	88.9	83.9	80.8	84.5
Total	86.4	84.1	83.2	84.5

Table A.8.3 Judges' decisions are influenced by political considerations, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	68.2	75.1	68.2	70.5
Some	60.8	71.5	73.7	68.5
Total	66.8	74.4	69.1	70.1

Table A.8.4 Judges' decisions are influenced by political considerations, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	69.3	77.5	69.8	72.2
Rural	65.1	72.3	68.6	68.7
Total	66.8	74.4	69.1	70.1

Table A.8.5 Judges' decisions are influenced by their own personal interest, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	78.2	78.1	71.6	75.9
Some	82.5	78.5	76.1	79.2
Total	79.0	78.2	72.3	76.5

Table A.8.6 Judges' decisions are influenced by their own personal interest, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	79.0	80.5	73.4	77.6
Rural	79.1	76.6	71.6	75.7
Total	79.0	78.2	72.3	76.5

Table A.8.7 Courts generally make reasonable efforts to ensure that their clients have adequate legal representation, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	81.7	86.3	78.7	82.2
Some	78.7	80.3	71.4	77.1
Total	81.1	85.1	77.5	81.3

Table A.8.8 Courts generally make reasonable efforts to ensure that their clients have adequate legal representation, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	74.5	84.5	78.4	79.2
Rural	85.6	85.6	76.9	82.7
Total	81.1	85.1	77.5	81.3

Table A.8.9 It would be possible for me to represent myself in a court if I wanted to, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	68.0	77.9	72.2	72.8
Some	63.8	78.3	71.9	71.4
Total	67.2	78.0	72.2	72.5

Table A.8.10 It would be possible for me to represent myself in a court if I wanted to, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	66.0	78.5	70.6	71.8
Rural	68.0	77.7	73.3	73.0
Total	67.2	78.0	72.2	72.5

Table A.8.11 It is affordable to bring a case to court, by previous court involvement

Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	77.4	85.8	84.4	82.6
Some	67.4	78.0	75.7	73.7
Total	75.5	84.3	83.0	81.0

Table A.8.12 It is affordable to bring a case to court, by area of residence

Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total

Urban	75.2	82.1	81.1	79.5
Rural	75.7	85.8	84.4	82.0
Total	75.5	84.3	83.0	81.0

Table A.8.13 Cases are resolved in a timely manner, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	85.7	82.3	80.2	82.6
Some	87.2	83.3	81.2	84.0
Total	86.0	82.5	80.3	82.9

Table A.8.14 Cases are resolved in a timely manner, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	87.0	85.7	83.5	85.4
Rural	85.3	80.2	78.0	81.2
Total	86.0	82.5	80.3	82.9

Table A.8.15 Courts adequately monitor the progress of each case, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	71.5	66.9	67.3	68.5
Some	66.6	58.9	53.1	59.8
Total	70.6	65.3	65.0	66.9

Table A.8.16 Courts adequately monitor the progress of each case, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	63.2	59.1	60.2	60.8
Rural	75.5	69.6	68.3	71.1

Total		70.6	65.3	65.0	66.9
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Table A.8.17 Court personnel are helpful and courteous, by previous court involvement
Percentage of respondents that agree

Court Involvement?	Year of Survey			
	2001	2003	2005	Total
None	43.8	45.2	42.9	44.0
Some	34.6	37.8	34.1	35.6
Total	42.0	43.7	41.4	42.4

Table A.8.18 Court personnel are helpful and courteous, by area of residence
Percentage of respondents that agree

Urban/Rural	Year of Survey			
	2001	2003	2005	Total
Urban	35.9	40.4	30.1	35.4
Rural	46.2	46.0	49.5	47.2
Total	42.0	43.7	41.4	42.4

APPENDIX 9: TABLES FOR REPORT SECTION "RESPONDENTS' FEELINGS ABOUT CHANGES IN COURTS IN THEIR COMMUNITY"

Table A.9.1 How do you feel about the situation in your community courts when compared with one year ago

Percentage of respondents responding has improved, worsened or is the same

Compared to a year ago, how do you feel about the courts in your community?	Year of Survey		Total
	2003	2005	
Improved	15.22	12.49	13.88
Unchanged	77.02	79.31	78.15
Worse	7.76	8.20	7.98
Total	100.00	100.00	100.00

Table A.9.2 How do you feel about the situation in your community courts when compared with one year ago, by previous court involvement

Percentage of respondents responding has improved, worsened or is the same

-> Court_Involvement = None

Compared to a year ago, how do you feel about the courts in your community?	Year of Survey		Total
	2003	2005	
Improved	14.75	12.54	13.64
Unchanged	78.47	80.14	79.31
Worse	6.78	7.32	7.05
Total	100.00	100.00	100.00

-> Court_Involvement = Some

Compared to a year ago, how do you feel about the courts in your community?	Year of Survey		Total
	2003	2005	
Improved	17.11	12.23	14.95
Unchanged	71.15	75.08	72.89
Worse	11.73	12.69	12.16
Total	100.00	100.00	100.00

Table A.9.3 How do you feel about the situation in your community courts when compared with one year ago, by area of residence

Percentage of respondents responding has improved, worsened or is the same

-> Urban_or_Rural = Urban

Compared to a year ago, how do you feel about the courts in your community?	Year of Survey		
	2003	2005	Total
Improved	12.21	12.01	12.11
Unchanged	76.32	78.48	77.40
Worse	11.47	9.51	10.49
Total	100.00	100.00	100.00

-> Urban_or_Rural = Rural

Compared to a year ago, how do you feel about the courts in your community?	Year of Survey		
	2003	2005	Total
Improved	17.16	12.82	15.05
Unchanged	77.47	79.89	78.64
Worse	5.37	7.29	6.30
Total	100.00	100.00	100.00